

Exhibit 3. Materials Received from the Public

Pursuant to Section 50.40.3.I of the Development Code, the comment closing date for written comments from the public, other than the applicant, was February 7, 2018.

- 3.1 E-mail dated February 7, 2018, by Joel Schoening, 3900 NW Yeon Ave
- 3.2 Letter dated January 5, 2018, by Meadow Park Middle School, 14100 SW Downing St
- 3.3 Letter dated February 7, 2018, signed by Tom Powers, 5715 SW Illinois
Christy Splitt, Portland, Oregon
Chris Parta, 13150 SW Haystack Dr.
Annika Read, 9180 SW Camille Terrace
Heidi Eggert, 9180 SW Camille Terrace
Michael Achterman, 1725 NW 131st Ave
Lauren Garrett, 7775 SW Maple Dr
Tennell Dietzman, 4285 SW Laurelwood
Sara DeNezza, 8670 SW Birchwood Road
Jon-Paul Praisler, 8065 SW Maple Dr
- 3.4 E-mail and letter dated February 7, 2018, by Mike Connors, 1331 NW Lovejoy St., Suite 950
- 3.5 Letter dated February 7, 2018, by Michael G. Neff of Haglund Kelley LLP, 200 SW Market Street, Suite 1777
- 3.6 E-mail dated February 7, 2018, by Richard Skayhan, 4820 SW Chestnut Place
- 3.7 Letter dated January 18, 2018, by Trisha McPherren, 9115 SW Club Meadow Lane
- 3.8 Letter dated January 30, 2018, by Karie Trujillo, 4770 SW Chestnut Place
- 3.9 Letter dated February 4, 2018, by Michael Matschiner, 9275 SW Club Meadow Lane
- 3.10 Letter dated January 10, 2018, by Brandon and Holli Bridgens, 9240 SW Club

Meadow Lane

- 3.11 Note – not dated, by Marie and Tony Kikes, 4800 SW Chestnut Place
- 3.12 Letter dated February 6, 2018, by Michael H. Miller, 5950 SW Spruce Ave
- 3.13 Letter date-stamped February 5, 2018, by Joseph Conrad, 9207 SW Club Meadow Lane
- 3.14 E-mail dated February 5, 2018 and letter dated February 3, 2018, by Robert T. Franklin, no address provided
- 3.15 E-mail and letter dated February 5, 2018, by Ron Earp of Laurelwood Animal Hospital, 9315 SW Beaverton-Hillsdale Hwy
- 3.16 Letter dated February 2, 2018, by Jim and Georgia Hogan, 9025 SW Club Meadow Lane
- 3.17 Letter dated February 20, 2018, by Brandon and Holli Bridgens, 9240 SW Club Meadow Lane
- 3.18 Letter dated January 28, 2018, by Sue Staehli, 4477 SW 94th Ave
- 3.19 Letter dated January 24, 2018, by Lynne Cartmill, 9360 SW Club Meadow Lane
- 3.20 E-mail dated January 27, 2018, by Nupur Pande, 9265 SW Meadow Lane
- 3.21 E-mail dated January 19, 2018, by Trisha McPherren, 9115 SW Club Meadow Lane
- 3.22 Letter dated February 6, 2018, by Pat Bukieda and undersigned, address not provided

3.23 Letter dated February 2, 2018, by Lynn F. Erdman at Laurelwood Animal Hospital, 9315 SW Beaverton-Hillsdale Hwy

Anna Slatinsky

From: Joel Schoening <jschoening@obrc.com>
Sent: Wednesday, February 07, 2018 2:06 PM
To: Anna Slatinsky
Subject: Comments Case File No DI2017-0003
Attachments: Meadow Park letter for Directors Interpretation vF.PDF; Written Comments for Beaverton Directors Interpretation vF2.pdf

Hello Anna,
Please accept the attached written comments for inclusion in the consideration of Case File No: DI2017-0003

Thank you,

Joel Schoening
Community Relations Manager
Oregon Beverage Recycling Cooperative
3900 NW Yeon Ave. Portland, OR 97210
D: (503) 542-2928 | M: (503) 349-3254



BottleDrop®
Oregon Redemption Center



January 5, 2018

Beaverton City Council
12725 SW Millikan Way
Beaverton, OR 97005

Dear Lacey Beaty and the Beaverton City Council,

We are writing to express support for the BottleDrop Give program and, in particular, the BottleDrop Redemption Center in Beaverton, Oregon. As teachers at Meadow Park Middle School (14100 SW Downing St, Beaverton OR 97006), we seek every opportunity to find resources for our students. Since September of 2016, we've been recognized as a fundraiser in the BottleDrop Give program. This allows us to work with other teachers, parents, and students to collect beverage containers, bring them to the BottleDrop Redemption Center, and have the deposits credited toward a fund that we can use for educational programs at our school. In the year that we've been actively participating as a fundraiser through the Beaverton Redemption Center, we've raised over \$2,500. These funds pay for outdoor school and science lab supplies. The program continues to grow in popularity with the Meadow Park Middle School Community.

The Beaverton Redemption Center is an easy and convenient to use. We visit the location several times a week and we've never had a bad experience there. Our participation in the program not only generates an extra source of income, but it also teaches the value of recycling, and donating time and energy to a good cause. Without the BottleDrop location, it would be much more difficult to raise money through this program. Currently, parents and students bring bags of containers to school and we can deliver them in large bunches to a nearby location. Without the Beaverton BottleDrop, we would have to travel twice as far, or simply ask families to stand in line and return individual containers at local grocers. The success of the program we have built is dependent on the convenience of the Beaverton BottleDrop location.

Sincerely,

Tiffany Tran-Parta (Account holder) and Meadow Park Middle School Teachers.

Heavenly Science

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February 7, 2018

Beaverton City Council
12725 SW Millikan Way
Beaverton, OR 97005

Dear Community Development Director Cheryl Twete or Whom It May Concern,

We are submitting the following written comments for Case File No: DI2017-0003, a Director's Interpretation regarding the location of Oregon Beverage Recycling Cooperative's Beverage Container Redemption Center (BCRC) at 9307 SW Beaverton Hillsdale Hwy.

Returning beverage containers and collecting deposits is part of daily life in Oregon. The BCRC in Beaverton, also known as the BottleDrop, has helped turn what was once a chore into a convenience. For years, returning bottles meant standing in long lines, often in the rain, outside a grocery store and feeding containers into slow, dirty, and barely operable machines. BottleDrop, in contrast, provides a clean, indoor facility, fast machines, and even a service that allows users to drop full bags of containers to be counted by their helpful staff. It's no surprise that more and more people are using BottleDrop redemption centers to return their containers. The fact that so many people are using BottleDrop, and reinvigorating Oregon's commitment to conservation is cause for celebration.

More importantly for Beaverton, and more specifically to the issue at hand, the BottleDrop Redemption Center is exactly the kind of business that our "Community Service" zone is intended to accommodate. While redemption centers may be uniquely Oregon, they are like many other permitted uses in the CS zone, such as drive-up window facilities, automotive service stations, or busy restaurants.

Finding that the BCRC is not suitable to the CS zone, and forcing its relocation, would be a disservice to the many Beaverton area residents that rely on it, and a setback for Beaverton's commitments to sustainability and accessibility. The BottleDrop isn't just convenient. It's an essential community service. It is part of Oregon's commitment to conserve our natural environment. And, it makes participating in conservation more accessible in our community.

We strongly encourage a determination that the BCRC is within the uses defined in the CS zone.

Sincerely,

Tom Powers Tom Powers Address 5715 SW Illinois
C Splitt CHRISTY SPLITT Portland OR

Chris Parra Chris Parra 17150 SW Haystack Dr
Beaverton, OR 97008

Annika Read
Heidi Egger Heidi Egger 9180 SW Camille Terr.
9180 SW Camille Ter 97223

Michael Azterman MICHAEL AZTERMAN 1725 NW 131st AVE Portland, 97229

Lauren Garrett Lauren Garrett 7445 SW Maple Dr, PDX, OR 97225
Tenell Dietzman Tenell Dietzman 4285 SW Laurelhwood Ave PDX OR
Sarah DeNizza Sarah DeNizza 8670 SW Birchwood Road 97225 97225
Jonathan Trasker Jonathan Trasker 8005 SW Maple Dr, PDX OR 97225

Anna Slatinsky

From: Mike Connors <mike@hathawaylarson.com>
Sent: Wednesday, February 07, 2018 2:11 PM
To: Anna Slatinsky
Cc: Cheryl Twete
Subject: Oregon Beverage Recycling Cooperative - 9307 SW Beaverton Hillsdale Hwy - Director's Interpretation Application No. DI2017-0003
Attachments: Director's Interpretation Comment Ltr FINAL.PDF

Ms. Twete & Ms. Slatinsky,

This firm represents Glenwood 2006, LLC ("Glenwood"), the owners of the property adjacent to the above-referenced beverage container redemption center operated by Oregon Beverage Recycling Cooperative ("OBRC"). We are submitting the attached written comments for your consideration in response to OBRC's Director's Interpretation Application filed with the City. Please confirm your receipt of this email and the attached letter. Thanks, Mike

E. Michael Connors
Partner



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HATHAWAY LARSON

Koback Connors Heth

February 7, 2018

VIA EMAIL

Cheryl Twete, Community Development Director
c/o Anna Slatinsky, Planning Division Manager
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97005

Re: Oregon Beverage Recycling Cooperative - 9307 SW Beaverton Hillsdale Hwy
Director's Interpretation Application
Our Client: Glenwood 2006, LLC

Dear Ms. Twete:

As you know, this firm represents Glenwood 2006, LLC ("Glenwood"), the owners of the property located at 9339 SW Beaverton Hillsdale Hwy, Beaverton, OR. The Glenwood members also operate the two veterinary hospitals located on the property, the Laurelwood Animal Hospital and the Oregon Veterinary Specialty Hospital. Glenwood's property is adjacent to the above-referenced property that Oregon Beverage Recycling Cooperative ("OBRC") is currently operating as the beverage container redemption center ("BCRC"). We are submitting these comments in response to OBRC's Director's Interpretation Application (the "Application") filed with the City pursuant to Beaverton Development Code ("BDC") 40.25.15.

Before addressing the substantive issues, it is important to clarify that Glenwood's objections to the BCRC are not based on the merits of beverage container redemption or recycling in general. Glenwood supports these industries and recognizes their value. Rather, the central question in this Application is whether or not a BCRC is an appropriate and allowed use in the Community Service ("CS") zoning district and similar commercial districts. One of the main purposes of the BDC and different zoning districts is to make sure that each use is located in those zoning districts that are appropriate for that use. Many uses are essential and valuable to every community, but that does not mean they should be allowed in every zoning district.

As explained in more detail below, the BCRC is not a compatible or appropriate use in the CS zone. The BCRC is more industrial in nature and therefore should be limited to those zones where industrial types of uses are more appropriate. That is why the BDC does not allow this type of use in the CS zone and limits Recycling Centers and similar waste/recycling related uses to industrial zones. Therefore, the Director must deny the Application and require OBRC to relocate the BCRC to another property that is zoned to accommodate this type of use.

E. Michael Connors
1331 NW Lovejoy Street, Suite 950
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A. Background.

OBRC operates the BCRC on the property located at 9307 SW Beaverton Hillsdale Hwy, Beaverton, Oregon. The property is less than one acre in size and is zoned CS. The CS District is "intended to provide for a variety of business types *compatible with and of similar scale to commercial activities found principally along the City's major streets.*" BDC 20.10.10.2. (Emphasis added).

The BCRC is the first ever use of this type in the City of Beaverton. While grocery stores have historically operated beverage container redemption facilities as an ancillary use, this is the first stand-alone beverage container redemption facilities. As shown in the Oregon Liquor License Commission's ("OLCC") list of redemption centers, the relevant parts of which we attached as Exhibit A, this BCRC facility will replace the bottle redemption operations of 24 major grocery stores within a roughly three mile radius. OBRC's 4th Quarter 2017 Report, which we attached as Exhibit B, show that this particular BCRC handled 7,645,843 containers in the 4th Quarter. That translates to this one BCRC receiving, processing, storing and transporting over 30 million containers per year.

The surrounding properties along SW Beaverton Hillsdale Hwy are zoned commercial and contain predominately commercial uses, with the exception of Jesuit High School located on the other side of the SW Beaverton Hillsdale Hwy. The properties to the north are zoned residential with existing residential uses. The adjacent property to the north of the BCRC property is zoned residential and has an existing residential use.

Glenwood owns the adjacent property to the west of the BCRC property, located at 9339 SW Beaverton Hillsdale Hwy, which is also zoned CS. Glenwood's members operate two veterinary hospitals located on the property, the Laurelwood Animal Hospital and the Oregon Veterinary Specialty Hospital. There are also tenants located on the property.

Glenwood discovered that OBRC was proposing the BCRC in November of 2016 as a result of an OLCC public notice posted on the property. Glenwood contacted the City to express concerns about this proposal due to noise, odor, traffic, customers parking in its parking lot and security issues associated with this type of use. Glenwood argued that the BCRC is not compatible with the surrounding commercial and residential uses, and wanted to ensure that Glenwood and other surrounding property owners had an opportunity to weigh in on the proposal in a public process.

The City rejected Glenwood's request for a public process. Instead, the City advised Glenwood that the BCRC was an allowed use in the CS zone and would only require design review approval. The City provided Glenwood varying explanations as to why it believed the proposal qualified as an allowed use, but never issued a written decision explaining the basis for that conclusion.

OBRC was only required to submit a Type 1 Design Review Compliance Letter and building permit application. Glenwood submitted written comments asserting that the BCRC was not an allowed use in the CS zone. On February 22, 2017, the City approved the Type 1 Design Review Compliance Letter application and the building permit. The City's decision did not

acknowledge or respond to Glenwood's comments. Glenwood appealed the City's decision to LUBA.

While the LUBA appeal was pending, OBRC moved forward with its building improvements and began operating the BCRC on May 16, 2018. OBRC assumed the risk of moving forward with the project while the LUBA appeal was pending knowing that an adverse ruling would require it to cease operation and/or relocate the BCRC.

On September 21, 2017, LUBA agreed with Glenwood and rejected the City's approval of the BCRC, remanding the City's decision. *Glenwood 2006 v. City of Beaverton*, __ Or LUBA __ (LUBA No. 2017-027, dated September 21, 2017). LUBA concluded that the City erred by failing to consider whether or not the BCRC is an allowed use in the CS District. LUBA also concluded that, to the extent the City believes the BCRC may be approved as a similar use under BDC 10.50, the City must review such a request pursuant to the City's Type 2 Director's Interpretation process set forth in BDC 40.25.05, 40.25.15(1)(B). Contrary to OBRC's claim, LUBA did not deny Glenwood's contention that the BCRC is a Recycling Center and thus prohibited in the CS zone. Application Narrative, p.2. LUBA declined to decide if the BCRC is a Recycling Center because "we are unprepared to say based on the current state of the briefing that the term could not be interpreted to exclude BCRCs." *Id.* at Slip Op. p.4. Therefore, LUBA specifically determined that the question of whether or not the BCRC is a Recycling Center and therefore prohibited in the CS District is still an open question and the relevant issue the City must consider on remand.

Notwithstanding LUBA's decision, OBRC continues to operate the BCRC in violation of the BDC. Glenwood has repeatedly requested that the City enforce its code and require OBRC to cease operating unless and until it obtains the required land use approval to operate the BCRC at this location. The BCRC has had significant adverse impacts on Glenwood that have not been addressed by the City. Nonetheless, the City has repeatedly refused to do anything. The City's refusal to enforce its zoning regulations under these circumstances is not only troubling because it violates the BDC and will establish dangerous precedent, but it suggests that the City predetermined the outcome of the Director's Interpretation before the Application was filed.

B. The BCRC cannot be approved as a similar use allowed in the CS zone.

1. The Director's authority to approve a similar use is limited in three ways.

Before addressing the merits of the Application, it is important to understand the scope of the Director's authority to approve a use as a similar use under BDC 10.50. The Director does not have unfettered discretion to approve any use as a similar use. To the contrary, the BDC limits the Director's authority to approve a use as a similar use in three important ways.

First, the Director may not approve a use as a similar use if it already qualifies as a use addressed elsewhere in the BDC. BDC 10.50 provides in relevant part: "the Director may not permit a use already allowed in any other zoning district of this Code." Additionally, BDC 40.25.15.1.C.4 limits the authority of the Director's Interpretation to interpreting "a use not identified in the Development Code is a Permitted, Conditional, or Prohibited Use." If the proposed use qualifies as a use already addressed in the BDC and that particular use is restricted or prohibited in the

underlying zone, the City cannot get around these restrictions by approving it as similar to a different type of use.

Second, the Director must determine that the proposed use is “substantially similar” to a use recognized under the BDC. BDC 40.25.15.1.C.4 expressly requires that the “use must be *substantially similar* to a use currently identified in the subject zoning district or elsewhere in the Development Code.” (Emphasis added). A use that is merely similar to another use is not sufficient to qualify as a similar use under BDC 10.50. The applicant must demonstrate that it is “substantially similar” to another use recognized in the BDC.

Third, the Director must determine the use category that is most similar to the proposed use in order to determine how it must be regulated. As previously explained, the BDC prohibits the approval of a use under BDC 10.50 if that use is already addressed and regulated by the BDC. The City Council imposed this limitation because it wanted to prohibit applicants from exploiting the similar use process as a means of getting around restrictions or additional scrutiny that the City Council decided to impose on certain uses in certain zones. By extension, a proposed use that is not specifically recognized in the BDC must be regulated consistent with the use category that is most similar to the proposed use.

The fundamental flaw with the Application is that it is inherently inconsistent with these limitations in numerous ways. It is obvious that the BCRC is a Recycling Center, or is at least most similar to a Recycling Center among the types of uses recognized in the BDC. However, since a Recycling Center is not allowed in the CS zone, OBRC is forced to argue that the BCRC is similar to a “Service Business or Professional Services” use even though it has very little in common with the specific examples of service businesses listed in that definition. OBRC does not even allege that the BCRC is substantially similar to a Service Business or Professional Services, let alone prove it. As we explain in greater detail below, the City cannot approve the BCRC as a Service Business or Professional Services because it is a Recycling Center, or at least more similar to a Recycling center, and the City Council already determined that such uses are not allowed in the CS zone.

2. The BCRC qualifies as a Recycling Center, or is at least most similar to a Recycling Center.

a. The BCRC meets the plain language and industry definitions of a Recycling Center.

It is ironic that an applicant that specifically named and markets itself as a “Recycling Cooperative” is now arguing that it does not recycle and is nothing like a Recycling Center. OBRC obviously choose this particular name for its business because it understood that most people consider the core business or service that OBRC provides as recycling. The applicant’s name may not be the only factor in determining the appropriate use category, but at a minimum it raises serious questions about OBRC’s position. How can OBRC brand itself as a recycling center for business and marketing purposes while simultaneously claiming that the City cannot treat it as a recycling center for purposes of the City’s zoning code?

OBRC's own description of the BCRC operation demonstrates that it qualifies as a Recycling Center under any reasonable or common understanding of that term. As OBRC explains, the BCRC accepts exclusively recyclable material (redeemable glass and aluminum containers), processes this material onsite (sorting, compacting and consolidating the material), temporarily stores it and then transports the material in bulk to a plant for further processing. Application Narrative, p.2-7. If an operation that exclusively accepts, processes, stores and transports recycled material does not qualify as a Recycling Center, what type of operation possibly could qualify?

A Recycling Center is not defined under the BDC, but the BCRC clearly meets the plain language definition of this term. Words of common usage should be given their "plain, natural and ordinary meaning." *PGE v. BOLI*, 317 Or 606, 611, 859 P2d 1143 (1993). Merriam-Webster Dictionary defines the term "recycle" as "to process (something such as liquid body waste, glass or cans) in order to regain material for human use." OBRC claims the definition of "recycling" is "a location where 'recycling' occurs" or "convert (waste) into reusable material." Application Narrative, p.9. Even OBRC admits that the BCRC involves recycling activity by claiming that the BCRC supports the City's goal of reducing solid waste "through source reduction and *recycling activities*." Application Narrative, p.16. (Emphasis added). Under either definition, a facility that exclusively accepts recyclable material and engages in recycling activity is a Recycling Center.

The BCRC also meets the regulatory or industry definition of a Recycling Center. As OBRC acknowledged, the City should consider definitions of Metro and the solid waste/recycling industry for this type of facility. Application Narrative, p.10. The Metro Code Chapter 5, which provides the Solid Waste Definitions, defines a "Recycling drop center" as follows: "a facility that receives and temporarily stores multiple source-separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale." Metro Code Section 5.00.010 (Definitions).¹ This term "Recycling drop center" is the closest term to a "Recycling Center" so there is no doubt it is applicable. Nor is there any doubt that the BCRC qualifies as a "Recycling drop center" – it receives, temporarily stores and transports recyclable material to a third party for reuse or resale.

The BCRC meets the definition of a "Recycling Center" under Washington County's code as well. Washington County's code is highly relevant because the BCRC borders Washington County and there is a close working relationship between the City and the County on land use and other issues. The County's Community Development Code ("CDC") Section 430-115 defines a "Recycling Center" as follows:

"[A]ny portion of a lot . . . used for the purpose of . . . sorting, handling, processing . . . materials that cannot, without further reconditioning, be used for their original purposes, including such materials as glass, paper, plastic and aluminum."

¹ Relevant portions of Metro Code, Section 5.00.010 (Definitions) are attached as Exhibit C.

The BCRC clearly meets this definition.

Moreover, Metro specifically identifies BCRCs as a "Recycler". Metro has a website page entitled "Recyclers and donation sites" that provides a list of Recyclers in the region and directs people where they can recycle their recyclable material. All of OBRC's BCRC facilities in the Metro region are listed as Recyclers on this website. We attached a copy of the website page in which this specific Beaverton BCRC facility is listed as a "Recycler" site as Exhibit D. So Metro clearly considers OBRC a recycler and its BCRC facilities as recycler sites.

Notwithstanding the fact that the BCRC meets the plain language and industry definition of a Recycling Center, OBRC appears to be arguing that the BCRC cannot be a Recycling Center because no actual processing or conversion of the material allegedly occurs at the facility. There are two problems with that position.

First, a Recycling Center is not limited to only those facilities that process or convert the recyclable material onsite. As previously noted, Metro does not limit the definition to those facilities that process or convert the recyclable material onsite. A "Recycling drop center" includes any facility that receives, temporarily stores and transports recyclable material to a third party for reuse or resale. Metro Code Section 5.00.010.

Second, there is no question that some processing or conversion of the material takes place at the BCRC. The Metro Code defines "processing" broadly as "a method or system of altering the form, condition or content of wastes," and includes a broad category of activities such as "separating," "shredding," and "pulverizing." Metro Code Section 5.00.010. The BCRC process clearly alters the form or condition of the containers, and includes activities such as separating, crushing, compacting and pulverizing the containers. While there may be some additional processing that takes place after the material leaves the BCRC facility, there is no question that the containers transported out of the BCRC are in a very different condition or form than when they arrived. None of the definitions suggest that recycling is limited to the final step in the conversion process and does not include any of the steps that lead to the final recycled item.

Not only does the BCRC qualify as a Recycling Center, but it is also worth noting that it shares a fundamental characteristic with the other uses listed in the same section (Salvage Yards and Solid Waste Transfer Stations). The core business of all of these uses involves the same thing or product - waste material. The particular kind of waste material may be different among these uses, but they all are businesses that accept, process and transport waste material in some manner. It is precisely because the nature of the product (waste material) has characteristics that create unique impacts on surrounding properties that typical commercial uses do not that the City Council elected to limit these uses to the Industrial (IND) zone. BDC 20.15.20.

b. OBRC's attempt to distinguish the BCRC from a Recycling Center and related uses is seriously flawed.

Perhaps the most revealing evidence of the flaws in OBRC's logic is its contrived efforts to distinguish the BCRC from a Recycling Center and the other uses listed under BDC 20.15.20. BDC 20.15.20 allows "Salvage Yards, Recycling Centers and Solid Waste Transfer Stations" as conditional uses in the IND zone. OBRC's attempt to distinguish the BCRC from these types of

uses is not only flawed, but it actually undermines OBRC's position in several respects. None of the four reasons cited by OBRC for distinguishing these uses holds up.

We already addressed OBRC's first argument, that the BCRC does not meet the definition of a Recycling Center, in Section B.2.a so we will not belabor the point here. However, it is important to highlight that OBRC's description of its operation in this particular section - "OBRC will package up the waste items and send them offsite" - omits the most significant aspect of the operation. Application Narrative, p.9. OBRC does not merely put the containers in a bag and throw them on the back of a truck. As evident in OBRC's own pictures and description of the BCRC operation, one of the most significant components of the BCRC operation is the processing of the containers onsite. Application Narrative, p.2-7. The BCRC has extensive equipment (reverse vending machines, automated machines that sort and count the containers, etc.) that sorts, crushes/compacts and consolidates the material before it is transported off site. OBRC's attempt to omit or downplay the most significant component of the BCRC operation speaks volumes about its claim that it is not a Recycling Center.

Second, OBRC's argument that the BCRC is nothing like the other uses listed in BDC 20.15.20 is undermined by its own description of these other uses. As OBRC explains, a Solid Waste Transfer Station is a term of art in the solid waste industry that includes facilities "where small collection vehicles deposit various types of waste, which is then separated, sorted and transferred offsite in larger vehicles." Application Narrative, p.10. That definition is consistent with Metro's definition of the activities involved in a Solid Waste Transfer Station - the term "Transfer" is defined as "the activity of receiving solid waste for purposes of transferring it from one vehicle or container to another vehicle or container for transport," and includes activities such as "segregation, temporary storage, consolidation of solid waste from more than one vehicle, and compaction." Metro Code Section 5.00.010. Both OBRC and Metro's definition of a Solid Waste Transfer Station is almost identical to the BCRC operation - small collections of the waste containers are deposited by third parties, which are then segregated, compacted, temporarily stored onsite and then transferred offsite in large trucks. The only difference between a Solid Waste Transfer Station and the BCRC is that the BCRC only accepts recyclable containers - which is why the BCRC is a Recycling Center.

OBRC also erroneously claims that the BCRC is different because is not as large as a Salvage Yard or Solid Waste Transfer Station. The City definition of a Salvage Yard provides that "[t]hree or more dismantled or inoperable materials on one lot shall constitute a salvage yard." BDC Chapter 90. Three pieces of dismantled or inoperable materials is not very large in comparison to the BCRC. The BCRC consists of a 10,889 sq. ft. building, loading dock and a 16,000 sq. ft. parking lot with 41 parking spaces. There is no question that three pieces of dismantled or inoperable materials, even if they were large items such as vehicles, could easily fit within this area. OBRC's comparison to Solid Waste Transfer Stations is disingenuous because it is limited to Metro's own *Regional* Solid Waste Transfer Stations. There are many other privately owned and operated Solid Waste Transfer Stations in the Metro area that are not nearly as large as these regional stations.

OBRC also attempts to play down the size and intensity of its own BCRC operation. As explained in the Background section, this one BCRC facility will replace the bottle redemption operations of 24 major grocery stores within a roughly three-mile radius. It will receive, process

and transport over 30 million containers per year. This clearly is no small mom-and-pop recycling operation. So to the extent the size and intensity of the operation is relevant, this is a significant operation similar to a Salvage Yard or Solid Waste Transfer Station.

Third, OBRC's claim that the BCRC is not similar to these other uses because "it will not generate adverse impacts to surrounding properties such as noise, odor, or lighting" is self-serving and laughable. Application Narrative, p.10-11. As evident in the personal letters from Glenwood and other public comments, the BCRC most definitely has adversely impacted surrounding properties. The BCRC is extremely noisy, whether it is the customers dumping cans and glass bottles into carts in the parking lot or the noise generated by the machines crushing cans and glass bottles throughout the operating hours. Used beverage containers obviously generate odor - imagine over 30 million of them passing through every year. The BCRC generates significant traffic impacts considering the daily trips from customers and large trucks transporting the material.² There has also been an increase in security incidents on Glenwood and other properties in the surrounding area. These are precisely the type of impacts that make the BCRC incompatible with the surrounding commercial and residential uses.

Fourth, OBRC's claim that BCRCs are subject to different state laws than Salvage Yards and Solid Waste Transfer Stations grossly overstates those distinctions. The BCRC, Salvage Yards and Solid Waste Transfer Stations are all subject to ORS 459A, which is the "Reuse and Recycling" chapter of the ORS. ORS 459A has different sections, with different rules and requirements, for recycling electronic devices, paper, plastic, glass, oil, compost, etc. Does that mean that different Recycling Centers that accept different types of recycling material are not similar because there are different state laws that apply? Of course not. The similarity of these uses should be based on the operating characteristics, not whether or not they are subject to the same exact laws.

If Recycling Centers were allowed in the CS zone, there is no question that BCRC would be applying as a Recycling Center. The only reason OBRC came up with its contrived argument that the BCRC is not a Recycling Center is that this use is not allowed in the CS zone. The BDC specifically prohibits this approach. If the BCRC is a Recycling Center and the City Council decided that such uses are not appropriate in the CS zone, OBRC cannot get around this restriction by calling an apple an orange. OBRC needs to comply with the BDC and find an IND zoned property to relocate the BCRC.

3. The BCRC is not similar, and clearly not substantially similar, to a Service Business or Professional Services.

Given how different the BCRC is from the specific examples of service businesses listed in the definition of a "Service Business or Professional Services," it is difficult to understand how OBRC can claim that the BCRC is substantially similar to these uses with a straight face. The BDC defines "Service Business or Professional Services" as follows:

² Had OBRC submitted a traffic impact analysis, which the City specifically recommended as part of the pre-application process, the extent of those traffic impacts would be apparent. Clearly OBRC did not provide such a study because it knew it would reveal significant traffic impacts.

“Uses engaged in providing services to the general public: such as small dental and medical offices, real estate, insurance, administrative facilities, personal care, business; professional, and similar services.” BDC Chapter 90.

Before considering the legal or technical argument, the City should ask itself a commonsense question – is the BCRC facility really similar to a small dental, medical, real estate, insurance, personal care or professional office? Would someone going to visit their dentist, doctor, relator or insurance agent walk into the BCRC thinking they might be in the right place? These may sound like silly questions, but that is only because OBRC’s claim is so silly.

Rather than using the same criteria it used to compare the BCRC to a Recycling Center and related uses, OBRC came up with completely different criteria for this comparison. OBRC argues that there are two defining characteristics which reveal the similarities between the BCRC and the Service Business or Professional Services uses. Not only are these two so-called defining characteristics contrived, but OBRC cannot demonstrate similarities based on its own criteria. In essence, OBRC’s comparison requires the City to focus exclusively on the ancillary components of the BCRC and ignore its primary function. Even under OBRC’s artificial distinction, the BCRC is clearly very different from these other uses.

First, OBRC claims that Service Business or Professional Services “provide services to individuals involving, or resulting from, the intellectual, professional, or manual personal labor of the server.” Application Narrative, p.8. OBRC notes that the commonality of all of these uses is that their core business is providing services from “trained professionals.” Application Narrative, p.8-9. While this may be a common characteristic among the uses listed in the definition of Service Business or Professional Services, it is not a defining characteristic of the BCRC.

OBRC’s claims that customers are able to redeem their recyclable containers “all as a result of the professional and manual personal labor of BCRC staff” has a major flaw. Application Narrative, p.9 It is the *self-service* reverse vending machines, not the BCRC staff, that provide the primary service to the customer. Other than the single sink area where a BCRC employee offers the option of hand counting containers, the rest of the facility consists of self-service reverse vending machines that customers operate themselves. OBRC doesn’t disclose how many self-service reverse vending machines are at this particular facility for obvious reasons, but one of their pictures shows there are at least eight. As reflected in the pictures of BCRC facilities attached as Exhibit E, the vast majority of customers use the self-service option. The primary component of the BCRC is the self-service reverse vending machines, not the services provided by the BCRC staff. None of the uses listed in the definition provide any self-service options, let alone predominately self-service.

Additionally, the BCRC doesn’t provide services from “trained professionals.” Customers go to dental, medical, real estate, insurance, personal care and professional offices because the services are provided by trained professionals in the respective fields. The professionals that work at these offices are typically highly specialized, educated and/or trained individuals in the particular service industry. They are typically referenced by their professional trade - dentist, doctor, nurse, relator, insurance agent, masseuse, etc. With all due respect to BCRC employees, they are

not the same type of trained professional. They may be trained to work at the BCRC, but they are not trained “professionals” and they are not providing a professional service to customers.

Second, OBRC claims that Service Business or Professional Services “do not typically involve the customer’s purchase of a product that is made or created by the server onsite.” Application Narrative, p.9. While this may be true, OBRC ignores the corollary characteristic that reveals how different the BCRC is from these other uses. Not only do Service Business or Professional Services not typically sell or provide a product, they also do not purchase or take a product from the customer. Customers go to these businesses exclusively to use the services of the trained professionals. In contrast, customers go to the BCRC *solely* to redeem or dispose of a product - recyclable containers. That is the core purpose of the BCRC and the entire business revolves around that product. Additionally, the compensation flows in the opposite direction of the other uses – it is the customer that is compensated for bringing the product to the BCRC, not the other way around. BCRC may not create or sell products, but it is vastly different from these other uses because its core business revolves around a product.

Not only does OBRC’s argument fail under the contrived comparison, but it also fails under the same four criteria it used to compare the BCRC to a Recycling Center and related uses. Regardless of which plain language or industry definition one uses, there is no question that the BCRC is more similar to a Recycling Center than a dental, medical, real estate, insurance, personal care or professional office. The nature and intensity of the BCRC use is more similar to a Recycling Center, Salvage Yard or Solid Waste Transfer Station than a dental, medical, real estate, insurance, personal care or professional office. The potential impacts of the BCRC on surrounding properties is more similar to a Recycling Center, Salvage Yard or Solid Waste Transfer Station than a dental, medical, real estate, insurance, personal care or professional office. The state laws that apply to the BCRC are the same general ones that apply to all Recycling Centers, Salvage Yards and Solid Waste Transfer Stations - ORS 459A – which are very different from the state laws that apply to the Service Business or Professional Services.

Even if the Director concludes that the BCRC is not a use that the BDC currently addresses, there is no question that it is more similar to a Recycling Center than a Service Business or Professional Services. The BCRC’s primary function is to accept, process, store and transport recyclable material. The whole business revolves around a product, not a service. And the fact that the product is a waste or recyclable material means that it should be regulated consistent with the other waste/recycling related businesses.

C. The City must cease the BCRC operations because OBRC does not have the required approval and is operating in violation of the BDC.

BDC 10.15.1 prohibits any person from improving or using a building or premises prior to obtaining the required land use approval. The BDC provides that uses of land that are not expressly listed as permitted or conditional uses in the underlying zone are prohibited. BDC 10.20.4 & 10.20.5. While a party may request a similar use approval pursuant to BDC 10.50 and 40.25, it may not use the property for that use until it obtains the final approval.

There is no question that OBRC does not have approval to operate the BCRC or improve the building it is operating within. LUBA’s remand concluded that the City did not approve

OBRC's use, the BCRC is not expressly listed as a permitted or conditional use in the CS zone and to the extent OBRC intends to pursue a similar use approval pursuant to BDC 10.50 and 40.25, it must complete the Type 2 Director's Interpretation process. Unless and until OBRC obtains the required approval for its use, its continuing operation of the beverage container redemption center is in violation of the BDC. LUBA also remanded the Design Review decision, which means that that approval is no longer valid until the legal errors are remedied.

Although Glenwood has repeatedly requested that the City enforce its code and require OBRC to cease operating until it obtains the required approval, the City has repeatedly refused to do so. The City's refusal to enforce its zoning regulations under these circumstances is very troubling. The BDC does not allow a party to operate while its request for approval or remand proceeding is still pending.

Allowing OBRC to continue operating under these circumstances will set a dangerous precedent for the City. Other parties operating in violation of the BDC will use the City's decision in this case as precedent to justify continuing to operate. The City would not be able to treat these parties differently, or it would risk a discrimination or equal protection claim against the City. Why would the City want to establish a precedent for allowing parties to operate in violation of the BDC before getting the required City approval?

D. At a minimum, the BCRC requires a conditional use permit because it will be operating between 10:00 pm and 7:00 am.

For the CS zone, the BDC requires certain uses that operate between the hours of 10 p.m. and 7 a.m. to obtain a conditional use permit. BDC 20.10.20.27, Hours of Operations, references "Uses Operating between 10:00 p.m. and 7:00 a.m." and refers to subsections 5, 13 and 16 of BDC 20.10.25. BDC 20.10.25.5 provides: "Applicable to all uses, excluding marijuana dispensaries and retail marijuana sales." Under the CS zone category, the conditional use category refers to subsections 6 and 7 of BDC 20.10.25. BDC 20.10.25.7 provides in part: "If property is within 500 feet from an existing Residential use in a Residential zone the use requires Conditional Use approval."

There is no question that these limitations on the hours of operations apply to the BCRC. BDC 20.10.25.5 provides that the operating hour limitation applies to all uses. OBRC's property is well within 500 feet of an existing residential use in a residential zone.

Virtually all of OBRC's existing BCRCs have a 24-hour drop door. This particular BCRC has an after-hours drop door. Nothing in the Design Review decision or building permit decision restricted the hours or limit the after-hours drop door hours to 10 p.m. Moreover, there is no way to assure that the drop door will not be used after 10 p.m. It is simply not possible to ensure that customers will not use the after-hours drop door after 10 p.m. As a result, OBRC is required to obtain conditional use approval.

At a minimum, the City must impose a condition of approval limiting the hours of operation, including the drop door, to 7 a.m. to 10 p.m. BDC 40.25.15.1.E expressly authorizes the Director to impose conditions of approval.

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February 7, 2018

For the reasons set forth above, the Director must deny the Application. We appreciate your consideration of our comments.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP

A handwritten signature in black ink, reading "E. Michael Connors". The signature is written in a cursive, flowing style.

E. Michael Connors

EMC/mo
Enclosures

cc: Glenwood 2006, LLC

REDEMPTION CENTER	ZONE 1		ZONE 2		EXEMPT ** (accept 144 containers)
	PARTICIPATING RETAILERS (accept D containers)	ADDRESS	PARTICIPATING RETAILERS (accept 24 containers)	ADDRESS	
Albany 2141 Santiam Hwy SE approved 6/18/2015	0 - 2.0 miles radius from redemption center	Albany Grocery Outlet Big Lots #4660 BI-Mart #606 Costco Wholesale #0682 Fred Meyer #005 Mega Foods Albany Rite Aid #5365 Safeway Store #1659 Target #T809 Walgreens #6530 Walmart Supercenter #5396 Winco Foods	No Zone 2	Dollar Tree #1508 Grocery Depot	Zone 1 1307 Waverly Dr SE 2206 Santiam Hwy SE
Beaverton	0 - 2.0 miles radius from redemption center	5415 SW Beaverton Hillsdale 4750 SW Western Ave	2.01 - 2.8 miles radius from redemption center	99 Ranch Beaverton Grocery Outlet Kmart #4455 Market of Choice #2 Rite Aid #5323 Rite Aid #5356 Safeway Store #1073 Target Store T-0345 Quality Food Centers QFC #202	Either Zone Cost Plus World Market Dollar Tree #2284 Dollar Tree #4543 10106 SW Washington Sq Rd 12635 SW Walker Rd 6721 SW Beaverton-Hillsdale
Beaverton approved 12/9/2016	0 - 2.0 miles radius from redemption center	Albany #505 BI-Mart #652 Fred Meyer #035 Fred Meyer #285 Garden Home Thriftway Natural Grocers U071 New Seasons Market-Cedar Hills New Seasons Market-Raleigh Hills Rite Aid #5351 Rite Aid #5352 Target Store T-0344 Trader Joe's #141 Uwajimaya Walgreens #05952 Winco Foods 14	2.01 - 3.25 miles radius from redemption center	61155 S Hwy 97 2500 Hwy 20 E	Either Zone Cost Plus World Market Dollar Tree #1912 63455 N Hwy 97 #16 61470 S Hwy 97
Bend 755 NE 2nd St	0 - 2.0 miles radius from redemption center	Albany #509 Bend Grocery Outlet	2.01 - 3.25 miles radius from redemption center	Albertsons #3553 Costco #0101	Either Zone Cost Plus World Market Dollar Tree #1912 63455 N Hwy 97 #16 61470 S Hwy 97

* These stores have BottleDrop Express facilities for redemption center account holders to drop off green bags of containers.
 ** These stores sold fewer than 100,000 beverage containers in the previous calendar year.

updated 1/4/18



Oregon Beverage Recycling Cooperative

QUARTERLY REPORT

Q4 2017



Q4 2017 saw a decrease in total redemption consistent with seasonal redemption patterns, but still much higher than previous years. Q4 also saw our largest expansion of green bag drop locations to date.

Containers redeemed this quarter through BottleDrop by facility

Redemption Center	Glass Bottles	Aluminum Cans	Plastic Bottles	Totals
Albany Redemption Center	877,308	4,543,183	2,501,717	7,922,208
Beaverton Redemption Center	1,342,819	3,977,835	2,325,189	7,645,843
Bend Redemption Center	1,393,553	4,596,464	1,523,679	7,513,696
Delta Park Redemption Center	1,819,425	6,600,185	4,109,367	12,528,977
Eugene Redemption Center	1,983,897	6,520,290	3,059,541	11,563,728
Forest Grove Redemption Center	675,162	3,091,045	1,604,690	5,370,897
Gilman 122nd Redemption Center	2,309,429	8,222,182	5,837,178	16,368,789
Grants Pass Redemption Center	888,204	3,434,873	1,684,755	5,988,832
Gresham Redemption Center	1,276,065	4,873,983	2,914,707	9,064,765
Hermiston Redemption Center	496,695	2,580,133	1,573,893	4,630,661
Klamath Falls Redemption Center	763,308	3,731,635	1,830,488	6,315,412
Lancaster Redemption Center	1,423,889	5,702,321	3,941,613	11,067,823
Medford Redemption Center	1,592,926	6,173,872	3,351,522	11,118,320
Milwaukie Redemption Center	1,338,594	4,594,690	2,541,792	8,473,076
NE Salem Redemption Center	774,925	3,462,278	2,221,488	6,458,691
Ontario Redemption Center	470,173	2,568,039	1,446,625	4,484,837
Oregon City Redemption Center	897,313	4,296,860	2,173,882	7,366,055
Redmond Redemption Center	684,236	2,864,303	1,244,269	4,772,808
Roseburg Redemption Center	249,333	1,320,570	755,475	2,325,378
South Salem Redemption Center	910,844	3,782,181	2,188,105	6,881,130
Tigard Redemption Center	1,283,217	4,286,417	2,728,667	8,278,301
Total	24,293,649	94,459,727	53,732,288	172,401,664

CHAPTER 5.00

SOLID WASTE DEFINITIONS

5.00.010 Definitions

For the purposes of Title V Solid Waste, unless the context requires otherwise, the following terms have the meaning indicated:

Activity means a primary operation or function that is performed in a solid waste facility or at a disposal site, including but not limited to resource recovery, composting, energy recovery, and other types of processing; recycling; transfer; incineration; and disposal of solid waste. This term does not include operations or functions that serve to support the primary activity, such as segregation.

Agronomic application rate means land application of no more than the optimum quantity per acre of compost, sludge or other materials. In no case may the application adversely impact the waters of the State. The application must be designed to:

- (1) Provide the amount of nutrient, usually nitrogen, needed by crops or other plantings, to prevent controllable loss of nutrients to the environment;
- (2) Condition and improve the soil comparable to that attained by commonly used soil amendments; or
- (3) Adjust soil pH to desired levels.

Alternative Program means a solid waste management service proposed by a local government that differs from the service required under Chapter 5.10.

Authorized official means a person authorized to issue citations under Chapter 5.09.

Business means any entity of one or more persons, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational, or other activity that is non-residential in nature, including public bodies and excluding businesses whose primary office is located in a residence.

Business recycling service customer means a person who enters into a service agreement with a waste hauler or recycler for business recycling services.

Chief Operating Officer means the Metro Chief Operating Officer or the Chief Operating Officer's designee.

Clean fill means material consisting of soil, rock, concrete, brick, building block, tile or asphalt paving that does not contain contaminants that could adversely impact the waters of the State or public health. This term does not include putrescible waste, cleanup material, construction and demolition waste, or industrial waste.

Person has the same meaning as in Metro Code Section 1.01.040. For any person other than an individual, the acts of the person's employees, contractors, and authorized agents are considered the acts of the person.

Petroleum contaminated soil means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. This term does not include soil that is contaminated with petroleum products but also contaminated with hazardous waste or radioactive waste.

Process, processing, or processed means a method or system of altering the form, condition or content of wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping. This term does not include incineration or mechanical volume reduction techniques such as baling and compaction.

Processing facility means a facility where or by which solid wastes are processed. This term does not include commercial and home garbage disposal units which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

Processing residual means the solid waste that remains after resource recovery has occurred and which is intended for disposal.

Putrescible means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

Putrescible waste means waste containing putrescible material.

Radioactive waste means the same as defined in ORS 469.300.

Rate means the amount that Metro approves and that the franchisee charges, excluding the regional system fee and franchise fee.

Recoverable solid waste means source-separated or homogeneous material accepted in a single transaction at Metro Central Station or at Metro South Station in a form that is usable by existing technologies (notwithstanding the presence of incidental amounts or types of contaminants) for reuse, recycling, controlled biological decomposition of organic material including composting and digestion, and the preparation of fuels that meet an engineering, industrial, or market specification. This term does not include mass burning, incineration in refuse derived fuel facilities, and similar methods of extracting energy from mixed solid wastes.

Recyclable material means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

Recycle or recycling means any process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.

Recycling drop center means a facility that receives and temporarily stores multiple source-separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale. This term does not include a facility that processes source-separated recyclable materials.

Regional Solid Waste Management Plan or RSWMP means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

Regional system fee means a fee that pays the costs for all associated Metro solid waste services related to management of the entire recycling, processing and disposal system.

Reload means the activity of receiving solid waste for the purpose of consolidating and transferring it to a solid waste facility.

Required use order means a written order issued pursuant to Chapter 5.05 requiring a waste hauler or other person to use a designated facility pursuant to the terms of the order.

Residence means the place where a person lives.

Resource recovery means a process by which useful material or energy resources are obtained from solid waste.

Reuse means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

RSWMP requirement means the portions of the Regional Solid Waste Management Plan that are binding on local governments as set forth in Chapter 5.10.

Segregation means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the transfer of solid waste. Segregation does not include resource recovery or other processing of solid waste. The sole intent of segregation is not to separate useful material from the solid waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

Solid waste means all putrescible and non-putrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-solid wastes, dead animals; infectious waste; and other such wastes, including without limitation cleanup materials, commingled recyclable material, petroleum contaminated soil, special waste, source-separated recyclable material, land clearing debris and yard debris. This term does not include:

- (1) Hazardous wastes;
- (2) Radioactive wastes;

Substantial compliance means local government actions, on the whole, conform to the purposes of the performance standards in Chapter 5.10 and any failure to meet individual performance standard requirements is technical or minor in nature.

System means all facilities that Metro designates as part of its system for the management and disposal of solid and liquid waste. This includes, but is not limited to, the following:

- (1) Recycling and other volume reduction facilities;
- (2) Landfills, or other disposal means;
- (3) Resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel);
- (4) Recycling and transfer stations;
- (5) Roads, water lines, wastewater lines and treatment facilities to the extent used to carry out the provisions of ORS chapter 268 and other applicable laws of the state of Oregon;
- (6) All buildings, fixtures, equipment, real property and personal property that Metro owns, leases, operates or uses to dispose of solid and liquid waste;
- (7) Designated facilities as provided in Chapter 5.05.

Transaction charge means the fee that Metro imposes for each transaction at a Metro transfer station to pay for related scalehouse costs.

Transfer means the activity of receiving solid waste for purposes of transferring it from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of solid waste from more than one vehicle, and compaction. This term does not include resource recovery or other processing of solid waste.

Transfer station means a solid waste facility whose primary activity includes, but is not limited to, the transfer of solid waste to a disposal site.

Unacceptable waste means waste that is either:

- (1) Prohibited from disposal at a disposal site by state or federal law, regulation, rule, code, permit or permit condition; or
- (2) Special waste without an approved special waste permit.

Useful material means material that still has useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from solid waste, is suitable for use in the same or other purpose(s). For purposes of this Code, cleanup materials are not useful materials. Types of useful materials include, but are not limited to:

- (1) Material that can be reused;



Home

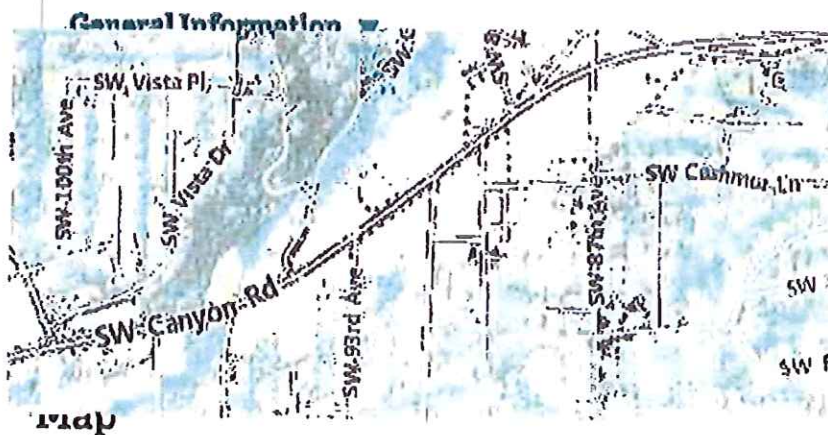
OBRC Container Redemption Center Beaverton

☎ (877) 912-2019

 info@bottledropcenters.com

visit website

Hours ►



up to 350 containers per day,
em for you, Hand Count-50
etails, visit their website

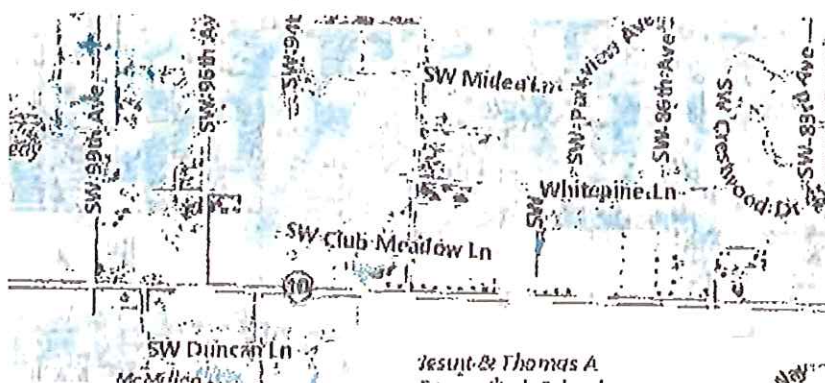


Exhibit D
Page 1 of 2



Powered by Leaflet | Tiles © Metro RLIS

All items accepted by this recycler

Item	Home pickup	Work pickup	Home dropoff	Work dropoff	Reuse	Notes
Deposit containers	X	X	✓	✓	X	

Facilities in this database are not endorsed by Metro, and Metro assumes no liability related to information



CONTACT

Ask Metro

📞 503-234-3000

✉ Send a message

FEEDBACK

Did you find what you were looking for?

☐ Yes

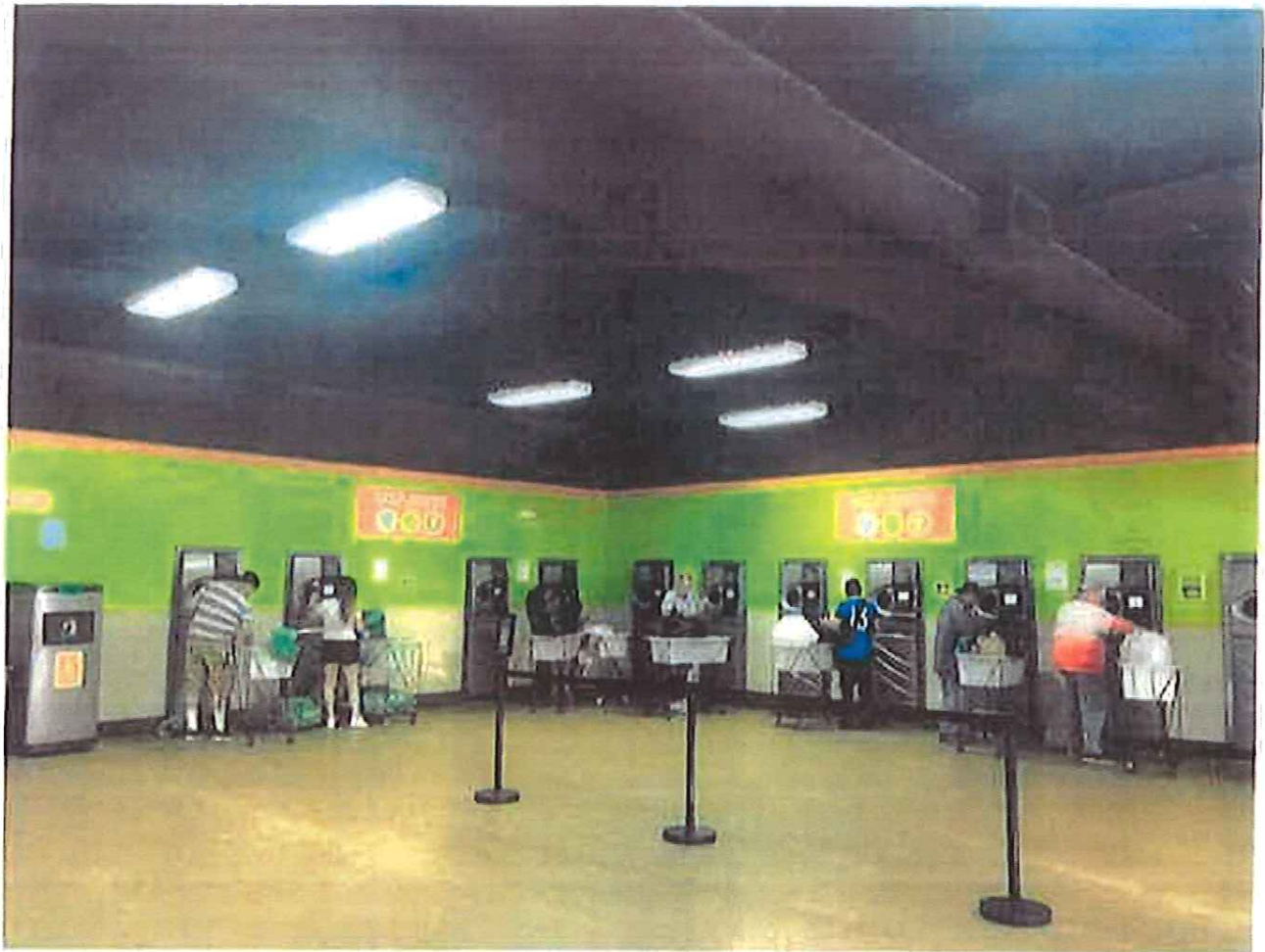
☐ No. If not, what were you looking for?

SERVICES OF METRO

Exhibit D
Page 2 of 2









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Exhibit 3.5

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Retired

February 7, 2018

VIA EMAIL AND US MAIL

Ms. Anna Slatinsky
City of Beaverton
Community Development Department
Planning Division
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

RE: Notice of Pending Director's Interpretation

Project Name: Oregon Beverage Recycling Cooperative Beverage Container Redemption Center

Case File: No. DI2017-0003

Dear Ms. Slatinsky:

I represent Jesuit High School and a number of residents of the Royal Woodlands neighborhood. The comments set out below are in response to the Notice of Pending Director's Interpretation for the Oregon Beverage Recycling Cooperative Beverage Container Redemption Center (Case File No. DI2017-0003).

Summary of Comments

1. The primary concerns of Jesuit High School and nearby residents are public safety and livability. A significant negative impact on both public safety and livability for those living, learning, educating, and doing business near the ORBC center has been evident since the opening of the Oregon Beverage Recycling Cooperative ("OBRC") center on Beaverton-Hillsdale Highway.
2. Efforts by Jesuit High School to engage ORBC in a meaningful discussion about relocating the center have been rebuffed by ORBC corporate officers.
3. That the location and operation of the OBRC center has adversely impacted public safety and livability significantly is the result of concentrating the beverage container recycling and redemption process for 24 large retail grocers at a single facility. What once was

diffuse, is now centralized at one Beaverton location. OBRC failed to identify the possibility of such a significant, adverse impact before city staff approved OBRC's development application. That OBRC's representatives were not as forthcoming as they should have been is disappointing given that OBRC's beverage container recycling program is administered with what is essentially public money.

4. The City of Beaverton's Development Code ("BDC") provides that recycling centers are an allowed conditional use in the areas zoned Industrial. It is undisputed that the OBRC facility is a center where the primary use is the collection and processing of recycled materials. Because the BDC expressly allows siting of recycling centers in Industrial zoned areas, a Director's Interpretation cannot legally be used to permit a facility like the OBRC recycling center in a Community Service zone. OBRC's arguments for why its center is something other than a recycling center are unconvincing and not reflective of the daily cycle of mass collection, sorting, crushing, and transport of approximately 8,000 recyclable containers at the site.
5. While the conclusion that the OBRC facility is a recycling center follows common sense, this conclusion also tracks Washington County's Community Development Code definition of "recycling center." Ensuring the two definitions are consistent is important given the numerous locations where the two jurisdictions are adjacent and the long history of administrative cooperation and coordination between Beaverton and Washington County.
6. None of my clients are suggesting the OBRC should not have the opportunity to site a recycling center in Beaverton. The BDC provides such facilities may be sited in Industrial zones using the conditional use process provided in the BDC. This straight-forward and plain language reading of the BDC is supported by the stated purpose of the BDC conditional use process – to ensure minimal impact on livability and reasonable compatibility on the areas surrounding the use. Given the significant impacts the OBRC's center has had on the surrounding area, it clearly is the type of use where application of the conditional use process is of benefit to those working, studying, educating, and living in the surrounding area.
7. A Director's Interpretation clearly is the wrong approach to permitting the OBRC center given the BDC's plain language, the type of mass recycling and processing occurring on site, the adverse impact the OBRC center has had on the surrounding community, and the potential for other OBRC centers to negatively impact other schools, residents, and businesses in Beaverton and nearby Washington County.

Introduction

For more than 40 years, the great majority of beer and soft drinks container recycling in Oregon has been through the retailers which sell these products. Consumers paid a bottle or can deposit



when they purchased these beverages, and were legally entitled to a deposit refund from beverage retailers such as grocery and convenience stores. Container recycling by retailers was (and for many retailers continues to be) a use ancillary or accessory to the primary use of operating a retail store.

Retailers resented this legally-imposed participation in the recycling chain, and in 2011, when Oregon lawmakers expanded the types of beverages requiring container deposits, Oregon lawmakers also provided a regulatory pathway through which retailers could relieve themselves of required participation in the recycling program. Oregon's 2011 expansion of the Bottle Bill provided for the creation of a state-sanctioned monopoly that allows retailers to refuse direct return of beverage containers if a center for the recycling of beverage containers and deposit redemption is located close enough to their store. The result has been the establishment since 2011 of approximately 24 such centers in various locations around the state. At each of these centers the recycling of beverage containers is the primary use. What previously was an ancillary/accessory use associated with 24 retail grocery stores scattered over a large geographic area is now a primary industrial use that involves recycling centers where beverage containers are collected, sorted, crushed, and then shipped off-site for further processing.

A Plain Language Application of the BDC Respects the Community's Work to Adopt the Code and Corrects an Initial Mistake that has Adversely Impacted Beaverton Residents

A. The OBRC Center on Beaverton-Hillsdale Highway Has Negatively and Significantly Impacted Nearby Residents, Students, Educators, and Businesses

Jesuit High School and many nearby homeowners and businesses have experienced an acute and significant decrease in safety and livability since the opening of the OBRC in May 2017.

On any given school day the Jesuit High School campus community numbers approximately 1,250 students ages 14-18 and 130 teachers and administrators. A large percentage of the students are involved in early morning or after-school co-curricular activities. As is typical of secondary education, not all of these co-curricular activities involve constant supervision by teachers and/or administrators. Weekends also frequently see students and faculty members involved in on-campus activities.

Measured corner to corner across Beaverton-Hillsdale Highway, the OBRC center literally is a stone's throw (approximately 175 feet) from the Jesuit High School campus. According to data available from the Oregon Health Authority, no OBRC facility is closer to a primary or secondary school than the OBRC Beaverton facility is to Jesuit High School. This same data, which is maintained by the Oregon Health Authority for the purpose of making sure marijuana facilities are not sited too close to schools, also demonstrates the next closest OBRC facility to a primary or secondary school is found in Hermiston. The data shows the Hermiston OBRC site provides an additional 400 feet of school buffer compared to OBRC's Beaverton site.

Changes in public safety and livability documented by Jesuit High School public safety staff include but are not limited to: (1) more frequent trespassing on campus by individuals who



cannot articulate a purpose for their visit; (2) increased theft of school and student property; and (3) increased trash and debris on campus. Jesuit security personnel also have observed persons consuming what are believed to be controlled substances while parked on Jesuit High School property, and then observed persons using this same vehicle frequenting the OBRC center. These changes are unwelcome and show no sign of abating.

While Jesuit High School has not yet documented a school-related, serious, person-on-person crime believed to be directly associated with proximity to the OBRC site, administrators believe that given the increase in illegal activity on and near campus since May 2017, students and teachers are now more likely to become victims of crime while on or near campus than they were pre-May 2017.

Royal Woodlands is a neighborhood located south of SW Beaverton Hillsdale Highway and west of SW Jamison Road. The houses of the Royal Woodlands residents are not as close to the OBRC site as the Jesuit High School campus, but Royal Woodlands residents also have documented a significant adverse impact to public safety and livability since May 2017. McMillan Park is a 3 to 4 acre neighborhood park in Royal Woodlands that includes wooded trails and play equipment for young children. During the last nine months, Royal Woodlands residents have documented discarded hypodermic needles, alcohol consumption, and panhandling in McMillan Park. These same residents report that this illegal activity previously was not present or so infrequent that it was difficult to detect. Royal Woodlands residents also report that car break-ins and theft of non-secure property have increased noticeably since May 2017.

Business owners documenting illegal activity and public safety concerns include the owners of the Laurelwood Animal Hospital, the Oregon Veterinary Specialty Hospital, and China Delight, all of which are either adjacent to or on property removed from the OBRC site.

If no one with Beaverton Community Development has canvassed the area surrounding the OBRC center to interview residents, educators, and businesspeople since May 2017, I strongly encourage you to do so. The decrease in public safety and livability since May 2017 documented by those living, working, teaching and studying is significant and is real.

B. OBRC Was Best Positioned to Understand the Negative Impact on Nearby Residents, Students, Educators, and Businesses, and Failed (and Continues to Refuse) to Inform Staff and the Public About This Issue

OBRC made no meaningful effort to engage the community in the area surrounding its facility to discuss proposed location or possible negative impacts to the neighborhood before Beaverton approved its design permits. Despite recent requests from Jesuit High School and other landowners near the OBRC center, OBRC corporate officers continue to refuse engagement in any public discussion about the location of their project.

Given their experience with operating other OBRC centers, OBRC must have understood their project would negatively impact public safety in the neighborhood surrounding their facility.



OBRC corporate officers also must have understood that the community would object to their project if what OBRC management already knew was understood more widely.

C. OBRC's Request For a Staff-Created Exception Ignores the Plain Language of the Beaverton Development Code

The BDC specifically authorizes the siting of recycling centers in the areas zoned Industrial on the City of Beaverton Zoning Map. BDC 20.15.20. Recycling centers are not an authorized use in Commercial zones, which include the zoning of the former Pier One building where OBRC's facility is located. Given the purpose of OBRC's operations at the site, and the use being made by OBRC day-to-day, the facility is a center for recycling (i.e. a "recycling center"), and therefore must be sited in an Industrial zone if at all. This should be the end of the inquiry for staff given the plain language of the BDC.

1. BDC 10.50 (Authorization for Similar Uses)

BCD 10.50 expressly prohibits Director Twete from authorizing a use in Commercial zoned areas that already is authorized in the Industrial zoned areas ("the Director may not permit a use already allowed in any other zoning district of this Code."). Because the OBRC center meets the plain language definition of "recycling center," Director Twete may not authorize the OBRC center in a Commercial zoned area through a Director's Interpretation.

2. Policies Articulated in the Beaverton Comprehensive Plan Support Application of the Plain Meaning Definition

Policy (b) of Goal 3.9.3 in the Beaverton Comprehensive Plan states that the City of Beaverton's industrial zoning is to "provide suitable locations for industrial and manufacturing uses that are not compatible with sensitive uses (e.g. schools, daycares, homes) . . ." The intensity of the OBRC's collection and processing of recycling at its center results in an industrial use that simply is not compatible with nearby homes, schools, and commercial businesses. Through Goal 3.9.3, the Beaverton Comprehensive Plan supports the concept that the use is a recycling center that should be sited in an Industrial zone.

3. A Plain Language Reading is Further Supported by Beaverton and Oregon's Experience

As a practical matter, consumer recycling in Beaverton for many years has been achieved through three primary collections systems: (1) curbside recycling; (2) beverage container recycling at retail stores; and (3) recycling a variety of materials at the Far West Recycling where Highway 217 and Denny Road meet. Both curbside recycling and beverage container recycling have utilized a "dispersed" recycling model (one by residence and the other by retail store). Other recycling, however, has involved the need for the consumer to travel to a recycling center, which typically would be Far West off of Denny Road.

Now that state law allows for a different model for the recycling of beverage containers, consumers are given the choice of recycling beverage containers curbside or traveling to a



location dedicated solely to the recycling of redeemable containers. This new dedicated location utilizes the recycling center model instead of the dispersed model. The consumer must travel to a location where the only land use is the collection and processing of recyclable materials, in this case redeemable aluminum, glass, and plastic beverage containers. The dominant feature of the use is the collection, sorting, and crushing of these consumer packaging materials, not the fact that consumers receive account credit or up to \$17.50 per visit in cash for recycling the containers.

D. A Plain Meaning Interpretation of "Recycling Center" is Consistent with Washington County's Definition of "Recycling Center"

While the BDC does not expressly define the term "recycling center," Washington County's Community Development Code ("CDC") does. Washington County's definition is a particularly apt reference and useful definitional guide given: (1) the geographic patchwork which characterizes the city/county boundaries in the Raleigh Hills, West Slope, Montclair, Garden Home, Cedar Hills, Aloha, Cooper Mountain, Bethany, Reedville and other areas; and (2) the close administrative working relationship between the City of Beaverton and Washington County on land use and other issues (see the Beaverton-Washington County Urban Planning Area Agreement).

Washington County's definition of Recycling Center is found at Section 430-115 of the Washington County CDC. The definition in relevant part provides a "Recycling Center" is:

any portion of a lot . . . used for the purpose of . . . sorting, handling, processing . . . materials that cannot, without further reconditioning, be used for their original purposes, including such materials as glass, paper, plastic and aluminum

The Washington County definition is a sensible and straight-forward definition that describes the OBRC's project. Individual consumers feed redeemable glass, plastic, and aluminum beverage containers into machines which sort and crush these containers. This initial processing prepares the containers for transport from the site. Aluminum cans and plastic bottles may be baled before they are hauled away for further processing.

Similar to the BDC, Washington County's CDC directs that recycling centers must be sited in the areas zoned industrial. The CDC and BDC both also allow for the imposing of appropriate conditions on recycling centers to protect the public from potential adverse impacts (compare BDC 20.15.20 with CDC 207-5.1). Given the potential for recycling centers like the OBRC's to degrade livability nearby if unconditioned, such an approach is well-tailored for both Beaverton and Washington County.

E. Those Challenging the OBRC's Current Location Do Not Oppose Approval of an OBRC Recycling Center Which is Consistent With the BDC

Those challenging the location of the OBRC and the process used to permit the facility, do not oppose approval of an OBRC recycling center which is consistent with the BDC. A plain-



language, practical reading and application of the BDC provides a recycling center can be permitted as a conditional use in the Industrial zone which sits south of Beaverton-Hillsdale Highway and straddles Highway 217. The security and livability issues that this type of recycling center creates will be mitigated by siting the use in the Industrial zone and by the ability of staff to impose reasonable conditions of approval and operation. While my clients likely would participate in any discussion about appropriate conditions for such a proposal, they understand the BDC contemplates recycling centers are appropriate for the Industrial zone areas.

F. If Beaverton Believes Siting Recycling Centers in Commercial Zones is Good Policy, Use of a Director's Interpretation Clearly is the Wrong Approach to Implementation

While the bottle bill is considered landmark legislation in Oregon, our state also has a long history of public participation in the land use decision making process. The Beaverton Development Code, which was adopted after significant public participation, provides recycling centers must be cited in areas zoned Industrial. Given this fact, before Director Twete excepts the OBRC centers from this requirement on a city-wide basis, my clients suggest a better approach would be to engage in a public process at which the pros and cons of OBRC centers are fully discussed and examined.

If Beaverton desires to adopt a policy that OBRC facilities may be sited outside Industrial zoned areas, Beaverton residents would be served best by a legislative amendment to the BDC. A legislative process would allow for the community to examine and understand what OBRC is proposing conceptually before permits are issued, and to allow for discussion the issue fully before policy is made. Given the OBRC's position, one example of a relevant discussion point during such a process is whether OBRC centers should be allowed in Commercial and Multi-Use zones. Another point of discussion given the use approval sought by the OBRC is whether recycling centers -- wherever they are allowed -- should be processed as a conditional use so that public safety and livability issues can be addressed by city decision makers on a case-by-case basis given the facts. During consideration of legislative changes to the BDC, the OBRC would be free to make its best case for which zones should allow for siting of the OBRC facilities and whether the BDC should require approval of such facilities to be processed under the standards for conditional uses, as they are now.

Conclusion

Jesuit High School and my clients residing in the Royal Woodlands neighborhood respectfully request Director Twete determine OBRC's operation at the former Pier One property cannot be classified as an allowed use in the Community Service Zone because the facility is a recycling center, a use that can be sited only in areas zoned Industrial. Applying the plain language of the BDC as it is written respects the community in two important ways. First, this approach respects the earlier public process which resulted in adoption of the relevant code language. The Beaverton community relies on the concept that language in the BDC is understood and applied in a straight-forward fashion. Second, this application acknowledges and respects the real



problems created for the Beaverton community surrounding the OBRC as a result of its application for development being wrongly submitted and processed incorrectly.

The fact that the OBRC facility is already sited should not be given any weight in determining the proper application of the BDC. Despite the plain language in the code, OBRC took a calculated risk in its interpretation of the BDC and its decision to move ahead with construction despite appeal of Beaverton Community Development's land use approval. As a result, OBRC has a finished project that is operating illegally and which is adversely impacting the public safety of nearby students, residents, and businesses. The community should not be required to bear the risk of OBRC's decision to move ahead while the appeal process went forward, and my clients urge Director Twete to place no weight on the initial approval by Beaverton Community Development.

If Beaverton policymakers believe the BDC is too restrictive, my clients suggest this matter should be raised as part of proposed legislative changes to the BDC so that the citizens of Beaverton are engaged in a full city-wide discussion and deliberation about appropriate locations and conditions for proposed OBRC facilities. If code changes are necessary, a public and truly deliberative process is a better approach than the changing of policy through one individual development application with no opportunity for meaningful public participation.

Please do not hesitate to call me if you have any question about the contents of this letter.

Very Truly Yours,



Michael G. Neff

Haglund Kelley LLP



Anna Slatinsky

From: richard.skayhan <richard.skayhan@comcast.net>
Sent: Wednesday, February 07, 2018 3:01 PM
To: Anna Slatinsky
Cc: Cheryl Twete
Subject: Fwd: OBRC

----- Original Message -----

From: Rick Skayhan <ricks@lacoinsurance.com>
To: "richard.skayhan@comcast.net" <richard.skayhan@comcast.net>
Date: February 7, 2018 at 11:27 AM
Subject: OBRC

Dear Ms. Slatinsky and Director Tweete,

I've been informed today is the final day to submit comments about an upcoming decision regarding the Oregon Bottle Recycling Center on Beaverton Hillsdale Highway in Beaverton.

I've heard from neighbors who let me know they had planned to do the same and how they've been impacted by the opening of the center. I know some attorneys will be writing to you as well about the legal considerations related to the OBRC.

Rather than do a long diatribe . . . I thought maybe giving you a short walk through our 11 year history in the neighborhood will paint the appropriate picture. We have a wonderful neighborhood. Almost every house on our street has remodeled or improved their home in the last five years, an illustration of how committed we all are to staying in the neighborhood.

When we first arrived, the area around McMillan Park was a known hangout for drug deals and high school parties on the weekend or after local sports events. Many of us made repeated calls to both THPRD security and BPD to alert them to what was happening. Even though patrols increased, the crime, litter and park vandalism was still happening. About 3-4 years ago, THPRD brought in crews to eradicate and remove much of the brush in the park and created a clear line of sight from Chestnut Place to the apartment complex on Jamieson Road and some additional thinning of the scrub trees around the creek. Unsurprisingly, much of the negative activity stopped. Two years ago, THPRD moved the playground area from the back side of the park to close to Chestnut Place. Since that time we've had all kinds of families, couples and dog walkers amicably use the park without major incident.

That all has changed in the last year. We've witnessed car break ins on our street, hypodermic needles in the park, panhandling in the park, public drinking of alcoholic beverages, abandoned grocery carts and persons unknown pawing through recycle containers on the sidewalk. Further, I commute every day from our home in Beaverton to an office in Sylvan and have personally witnessed people going through recycle containers on SW 96th, SW 103rd, SW 102nd, SW Laurelwood and SW 87th. Two weeks ago, I was driving down SW 96th and saw a car on the side of the road near the intersection with SW McMillan---with its flashers on. I slowed down anticipating a need to stop and saw a male with knit cap, dark jacket and jeans going through a recycle container across from the car. As I neared, I noticed he had a white plastic bag of cans and bottles at his feet and was dropping containers from the bin into the bag. I've witnessed multiple near misses on BHH as drivers are trying to go east out of the OBRC and conflicting with traffic coming out of Valley Plaza and the west entrance to Jesuit HS.

While there's no direct evidence the OBRC has caused the negative changes to our neighborhood, the history of the last year I think speaks for itself.

I urge you to define the facility as a Recycling Center so that it can be justifiably moved to an industrial space. I understand such a decision could put it just a stone's throw from our street in the industrial area on SW Western but I personally believe it is the appropriate move for our neighborhood, the businesses on BHH and the City of Beaverton.

Thank you for your time. Feel free to contact me about any of the above.

Sincerely,

Richard Skayhan

4820 SW Chestnut Place

Beaverton, OR 97005

C. 503.810.8499

RECEIVED
CITY OF BEAVERTON

Trisha McPherren
9115 SW Club Meadow Lane
Portland, OR 97225

JAN 23 2018

COMMUNITY DEVELOPMENT

January 18, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to my attention that the BCRC land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not of a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

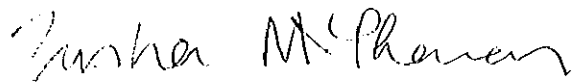
Rather, the BCRC is of an industrial type, as defined in Section 20.15.10. Specifically, it is a recycling center. A recycling center is not currently mentioned in the CS Zone Section, but it is conditionally approved for Industrial Land Use. The problem is, the OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business. However, the collection of beverage containers, packaging, and transportation of those containers, is still subject to the same considerations as a recycling center, namely, potentially toxic substance containment near the Hall Creek Wetlands area, increased vector control concern, and bigger traffic flow issues.

Throughout the process, OBRC has repeatedly promised that the facility will be clean and staffed during the open hours of operation. I can assure you that this is most often not the case, simply due to the nature of the business of recycling beverage containers. While I concur that the facility most often has one staff member on site during normal business hours, my family members have visited during normal business hours and found no attendant, broken collection machines, and dirty floors.

It makes more sense for the business to operate in the Regional Center, an area that is more equipped to handle traffic, trucks, noise, and waste. This would also be more convenient for pedestrian patrons, who must now travel several miles on foot, often pushing a shopping cart from a Regional Center business, which is abandoned along Beaverton-Hillsdale Highway once their patronage is concluded. Who would want to push it all the way back?

I urge your department to consider the impact that an industrial business is currently having on the Community Service Zone and the Residential Zones immediately adjacent to it. Industrial traffic, noise, and vector control are all factors that cannot be reasonably managed in the CS Zone and are more suited to an Industrial Land Use or Regional Center property. The families in our neighborhood would be most grateful for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Trisha McPherren". The signature is written in dark ink and is positioned above the printed name.

Trisha McPherren

503-442-1121

mcpherrent@gmail.com

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CITY OF BEAVERTON

FEB 02 2018

January 30, 2018

COMMUNITY DEVELOPMENT

Cheryl Twete
Director, Community Development Department
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97076

RE: City of Beaverton Notice re Oregon Beverage Recycling Cooperative Beverage Container Redemption Center, Director's Interpretation

Dear Ms. Twete:

I am a 15-year resident of the Royal Woodlands neighborhood, just south of the Bottle Drop recycling center. I am writing to bring your attention to how the siting of the Bottle Drop has affected my neighborhood and my family's quality of life.

First, I am very sympathetic to the low-income and homeless population. I am the board president of Farmers Market Fund, a non-profit that raises money to help low-income and underserved communities buy fresh fruits and vegetables at area farmers markets. I also contribute to various organizations throughout the year that assist the homeless. Also, I am a big fan of the Bottle Bill.

Since the Bottle Drop has opened, we have experienced car prowls, suspicious people drinking and loitering in our neighborhood, and trash and human feces on sidewalks. We have found needles in MacMillan Park, just three houses down from our home. Other neighbors have reported suspicious strangers ringing their doorbells late at night, going through their trash and intimidating them while out walking in the neighborhood. My husband noticed a homeless man with a shopping cart full of bottles and cans loitering in our neighbor's back yard while they were away at work. We recently had to install security and doorbell cameras because we simply do not feel safe.

My daughter is 17 and takes the public bus from Fred Meyer on Beaverton Hillsdale Highway to our house in the Royal Woodlands neighborhood. Several weeks ago, a homeless man with a sack full of cans and bottles intimidated her at the bus stop and she had to call my husband to pick her up.

I do not understand why the City and the ORBC failed to engage the community in the decision to site the Bottle Drop on Beaverton Hillsdale Highway. It appears to us that the lack of public transparency was intentional. We had no idea the center was going into the former Pier One location until the sign was installed. The Bottle Drop takes the place of approximately 19 former drop off locations. Having this amount of activity concentrated in a small location, near

residential neighborhoods, businesses and a high school, is a public safety concern for me, my family and my neighbors.

I hope that you will determine that the Bottle Drop Center should be relocated to Beaverton's industrial area.

Thank you for your consideration.

A handwritten signature in cursive script, reading "Karie Trujillo". The signature is written in dark ink and is positioned above the printed name and address.

Karie Trujillo
4770 SW Chestnut Place
Beaverton, OR 97005

Cc: Beaverton Mayor, Denny Doyle

Michael Matschiner
9275 SW Club Meadow Lane
Portland, Oregon 97225
(503) 969-3807

RECEIVED
CITY OF BEAVERTON

FEB 07 2018

COMMUNITY DEVELOPMENT

February 4, 2018

City of Beaverton
Community Development Department
Planning Director
PO Box 4755
Beaverton, Oregon 97076

REGARDING: OREGON BEAVERTON COOPERATION (OBRC) BEVERAGE CONTAINER REDEMPTION
CENTER (BCRC) DIRECTOR'S INTERPRETION

To Whom it May Concern:

I have lived at my current address for over 25 years raising my children and grandchildren. Since the opening of the OBRC, BCRC facility, my neighborhood has changed dramatically. Specifically, since the opening of the OBRC, BCRC facility:

- Public urination and defecation on my property;
- Intoxicated people drinking on my property;
- People leaving their garbage on my property;
- Mentally ill people climbing trees and shouting obscenities;
- People rummaging through my garbage;
- Abandoned shopping carts on my property
- Constant bottle rattling, rolling, breaking;
- People hollering, swearing, shouting;
- People throwing food over my fence;
- People trying to break into my vehicles;

I was never – not once – informed by the City of Beaverton about this facility and the impact it would have on my neighborhood. This facility does not support a residential neighborhood. A facility of this type belongs in a commercial space not adjacent to a neighborhood.

I am requesting a written response to my letter detailing why the City of Beaverton located the OBRC, BCRC facility adjacent to a neighborhood. And, I am requesting that the OBRC, BCRC facility be moved from its current location.

Michael Matschiner

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CITY OF BEAVERTON

FEB 07 2018

COMMUNITY DEVELOPMENT

Brandon and Holli Bridgens
9240 SW Club Meadow Lane
Portland, OR 97225

January 20, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container
Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to our attention that the BCRC's land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

The BCRC is an industrial type, as defined in Section 20.15.10. It is a recycling center. A recycling center is not currently mentioned in the Community Service (CS) Zone Section, but it is conditionally approved for Industrial Land Use. The OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business which is not accurate.

I urge your department to consider the impact that an industrial use business is currently having on the Community Service Zone and the Residential Zones immediately adjacent to it. Industrial traffic, increased auto traffic, increased pedestrian traffic, noise (both BCRC industrial noise, i.e. conveyors belts, compactors, bottles rolling down the hill, bottles being loaded in carts to be taken inside and patron's conversations/arguments/offensive language) and offensive odors, i.e. alcohol and smoke are all factors that we are currently experiencing. These factors cannot be managed in the Community Service Zone and are more suited to an Industrial Land Use property.

As long-time residents (of 17 years) and parents of 2 young children, the impact this is having on our lives and personal safety is concerning. We have contacted the police department numerous occasions for public urination, littering, vulgar language, patron arguments, loitering and people peering over our fence line. We live next door and witness daily events. We are concerned about our livability and long-term property values. Prior to the BCRC, Pier One Imports was located in the property and we had no issues. They were excellent neighbors. We have many businesses that are located near us but have never experienced any problems or concerns like we are currently experiencing with the BCRC.

I appreciate your time in reviewing this information. If you have any questions, please feel free to contact us.

Sincerely,



Brandon and Holli Bridgens
brbridgens@icloud.com
hsbridgens@hotmail.com



Brandon: 503-349-4138
Holli: 503-348-0238
Home: 503-297-4791

Oregon Beverage Recycling
Cooperative
Beverage Container Redemption
Center - Director's Interpretation

#D12017-0003

Exhibit 3.11

anna slatinsky,

I would like to note that I am not against recycling. I have been an avid bottle & can recycler since the early '70's. My issue is with the OBRE on Beaverton Hillsdale Hwy. Since the recycling center opened our lovely neighborhood has drastically changed & not for the better.

Just to name a few things
locked cars being broken into.
Pan-handlers in McMillan Park.
Syringes found by young children
in McMillan Park.
extra vehicles & pedestrians.
Everyone has seen the difference

Marie and Tony Kikes

and, we no longer feel safe.
The elected Officials did not
work in our best interest
when locating the bottle recycl-
ing center. We feel that a better
place would have been in an
industrial area.

Thank you for listening,
Marie Kikes

My husband & I are both native
Oregonians & have lived on the
SW side all our lives.

RECEIVED
CITY OF BEAVERTON

Exhibit 3.12

FEB 06 2018

COMMUNITY DEVELOPMENT

Feb 6, 2018

City of Beaverton
Community Development Department
Planning Division
12725 SW Millikan Way
Beaverton, OR 97006

Attn: Cheryl Twente

Dear Cheryl/

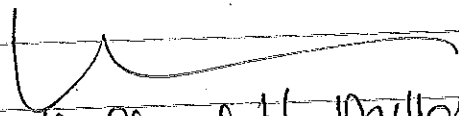
I'm writing to voice my concern with the location and safety issues regarding the Bottle Drop Recycling Center on SW Beaverton Hillsdale Highway.

We live nearby in Royal Woodlands and I've been to the recycling center several times. Besides the traffic issues at the center and safety concerns getting in and out onto Beaverton Hillsdale Highway, I've found that the only safe times to drop off bottles and cans are early daytime hours. Evenings seem to present both safety and possible criminal issues. The areas surrounding the center are fraught with discarded shopping carts and litter and the center itself does not have adequate security. The concept of the center is good, but the location turned into a very bad choice.

I've heard neighbors tell me stories of personal safety concerns at McMillan Park, people coming through the neighborhood going thru recycling containers and car break-ins, that's been verified by the increased police patrols in Royal Wood/lands - something we've not seen before. This increased crime and safety concerns coincides with the opening of the center.

I doubt these issues were anticipated when the center was approved, but it should be moved to a location where proper zoning, safety and security concerns can be addressed.

Thank you



Michael H. Miller

5950 SW Spruce Ave
Beaverton OR 97005

FEB 05 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton
Community development department
P O Box 4755 Beaverton Oregon 97076

COMMUNITY DEVELOPMENT

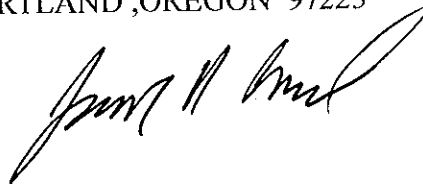
Case file D12017 -0003

503 526 2429

As a resident living on CLUB MEADOW LANE since 1968 I have watched the development of the commercial property across the street from me for many years . I was always well done and had little affect on the livability of my neighborhood . However the change of the building now known as Oregon Beverage Recycling Cooperative has dramatically changed that. Looking at the map you will see 13 residential tax lots directly affected buy this intrusion on the value and quality of living on CLUB MEADOW LANE Each I am guessing adding 2000 dollars or more to Washington county Tax base. OR 26000 revenue on residential C ML. No small thing. I believe we should have been informed by Planning depart that our property values will all be diminished by the collection center. The noise, the horrific smell [walk in the center yourself and imagine it were you live] and the new transit people visiting our street. has profoundly reduced the livability and value of our homes. The closer to the collection center the greater the loss. Would you buy a home that smells of stale beer and bottles clanning. The Grocers Assoc, are glad to get rid of the responsibility and nuisance of bottle redemption since it adds nothing to there bottom line, however the impact of there actions should not fall on a residential neighborhood who has little power to protect itself. This is clearly a miss-use of the zoning rules and it disappoints me that the Beaverton Planning Depart let this happen to our neighborhood. I cant speak for my neighbors but but at age 77 living on SS, my home represents the savings of a lifetime of work and I am deeply depressed by this government action taking what little I have from me.

JOSEPH CONRAD
9207 SW CLUB MEADOW LANE
PORTLAND ,OREGON 97225

CC Greg Malinowski Dist 2
155 North First Ave MS-21
Hillsboro, Oregon 97214



Anna Slatinsky

From: info ovshosp.com <info@ovshosp.com>
Sent: Monday, February 05, 2018 1:46 PM
To: Anna Slatinsky
Subject: Bottle drop at 9307 Beaverton Hillsdale Hwy
Attachments: Anna Slantinsky.docx

Ms. Slatinsky:

Attached is my letter opposing the current location of the bottle drop./

Robert T. Franklin, DVM

Anna Slantinsky

Planning Division Manager

City of Beaverton

Community Development Department

12725 SW Millikan Way

Beaverton, OR 97076

February 3, 2018

Dear Ms. Slantinsky:

I am writing this letter in regards to the Bottle Drop at 9307 SW Beaverton Hillsdale Highway, Beaverton, OR 97005. Since the opening of the Bottle Drop things have changed markedly. In the almost 12 years the Oregon Veterinary Specialty Hospital has been in our current location we have had very little problems. Unfortunately this changed markedly when the Bottle Drop opened.

Since the beginning of the operation of the bottle drop we have had an increase in security related problems. Our security camera was stolen. One of our tenants (hair dresser) had property stolen from the space. We were not able to identify the person because the security camera that had been stolen covered the area in front of the entry to the hair dresser. We had to lock the restrooms our clients use because we have had an individual that returned cans to the bottle deposit came onto our property, locked himself into the restroom on our property and injected drugs. He left the paraphernalia in the restroom to be found by my kennel staff. When the police came to investigate we were told that they used to never come out here, but now they are being called out to this area on a much more frequent basis.

We have had problems with people loitering outside our building and hassling our clients as they are bringing their pets to us. When we ask some of these people to please move they are frequently belligerent and verbally abusive. Our employees have become so concerned about security that we had to put panic buttons at the front desk for safety.

We are having people who are regularly using our parking lot to go to the bottle drop. This can make it difficult for my clients to find parking spaces. We have asked the individuals parking in our lot not to do so but they ignore us or get rude to our staff making their experience working here not enjoyable. Since our parking lot has a cut through access we frequently have cars and trucks driving through our parking lot to get to the stoplight on 91st so they can make a left hand turn because it is so difficult to do so onto Beaverton Hillsdale Highway from the entrance and exit to the bottle drop. Since they often are going at an excessive speed it potentially put my clients, employees, and their pets at risk. This was not a problem before the bottle drop was open.

The noise level and trash around the area has increased. The noise relates to the dumping of cans and bottles into the carts they get from the building to bring their recycling into the building. Bottles are frequently dropped in the parking lot leaving pieces of glass on the ground which cannot be entirely cleaned up. There are bottle tops dropped on the ground that are left and they are being dropped on my property, too. We never had problems with cigarette butts being dropped on the ground. Now they are all over the landscaping.

When we initially talked to the city about the bottle drop, the city compared it with a Salvation Army drop box. I do not understand how you can compare a Salvation Army drop box to a place recycling cans, glass and plastic bottles from 24 grocery stores. The facility is processing cans and bottles which makes it a light industrial business and should not be in a commercial zone next to a high school and residential area.

For the above reason I request you do not to approve the Bottle Drop at its current location and have it moved to an area zoned for industrial use.

Thank you for your consideration in this matter.

Robert T. Franklin, DVM

Anna Slatinsky

From: Ron Earp <info@laurelwoodvets.com>
Sent: Monday, February 05, 2018 1:11 PM
To: Anna Slatinsky
Subject: Case File Number DI2017-0003; OBRC BCRC Directors Interpretation
Attachments: OBRC letter AS.docx

February 3, 2018

Anna Slatinsky

Planning Division Manager

City of Beaverton

Ms. Slatinsky;

My name is Ron Earp. I am a founding partner of Laurelwood Animal Hospital, located across from Jesuit High School at 9315 SW Beaverton-Hillsdale Highway. We have been in operation since June 2006. Until recently, our practice has had scarce few problems, and we have been able to maintain a clean, respectful business. But that has changed since the opening of the Beverage Container Redemption Center next door.

Whereas our grounds have been very well kept, we now find a variety of trash, including cigarette butts and bottle caps, regularly strewn across our parking lot. Customers from the redemption center regularly park in our limited lot, and when we inform them that our parking is for our customers only, they frequently get abusive to our employees. Since our lot has a cut through from the highway to Club Meadow Lane, and therefore a stoplight for easier access to turn left onto the highway, many people are racing down our drive, potentially endangering our patients, our clients and our employees.

We have become very concerned about the security and safety of our patrons and employees as well. Since the redemption center opened, we have had people coming from the center into our bathrooms and injecting drugs, leaving their paraphernalia behind. We have had to resort to locking the bathrooms and restricting access to our clients. We have had a security camera stolen, one that monitors the area where a compounding pharmacy is located. Our front desk staff has become so nervous about this situation that we had to place panic buttons up front, so they could discreetly call police when they are abused.

All of this is particularly difficult to understand when considering that this operation, one of unprecedented scope, was thrust into this building without due process to allow input from adjacent businesses and families adjoining this property. What little input we were able to give – which was only after the project was approved by the City of Beaverton – we voiced concerns which now are transpiring. By most reasonable definitions, this business is of an industrial nature, and is therefore operating outside of the appropriate zoning area. Nearby areas are available which are adequately zoned.

I hope you will take all these issues into consideration as you deliberate on this issue. Please don't let this facility ruin what has been a clean, safe, family friendly area. Thank you for your consideration.

Ronald F. Earp, DVM

Laurelwood Animal Hospital

9315 SW Beaverton-Hillsdale Highway

Beaverton, OR 97005

971-244-4230

info@laurelwoodvets.com

February 3, 2018

Anna Slatinsky

Planning Division Manager

City of Beaverton

Ms. Slatinsky;

My name is Ron Earp. I am a founding partner of Laurelwood Animal Hospital, located across from Jesuit High School at 9315 SW Beaverton-Hillsdale Highway. We have been in operation since June 2006. Until recently, our practice has had scarce few problems, and we have been able to maintain a clean, respectful business. But that has changed since the opening of the Beverage Container Redemption Center next door.

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transpiring. By most reasonable definitions, this business is of an industrial nature, and is therefore operating outside of the appropriate zoning area. Nearby areas are available which are adequately zoned.

I hope you will take all these issues into consideration as you deliberate on this issue. Please don't let this facility ruin what has been a clean, safe, family friendly area. Thank you for your consideration.

Ronald F. Earp, DVM

Laurelwood Animal Hospital

9315 SW Beaverton-Hillsdale Highway

Beaverton, OR 97005

971-244-4230

info@laurelwoodvets.com

FEB 02 2018

Planning Division

2/2/18

Anna Slatinsky/Planning Division Manager
12725 SW Millikan Way
Beaverton, OR 97076

RE: D12017-0003 Oregon Beverage Recycling
Cooperative (OBRC) Beverage Container Redemption
Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

Though I live on the east side of 91st Avenue on Club Meadow Lane, I have felt the direct impact of this facility in our neighborhood. One afternoon a man walking down our street turned suddenly and walked down our driveway to our garbage can which is on our property behind a hedge and proceeded to go through our garbage. My husband followed him and found him at the bottle drop.

We have lived in this neighborhood for 40+ years and have never experienced this.

We hope you will consider the residents when you make your decision.

Sincerely,

Jim and Georgia Hogan

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City of Beaverton

FEB 02 2018

Planning Division

Brandon and Holli Bridgens
9240 SW Club Meadow Lane
Portland, OR 97225

January 20, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container
Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to our attention that the BCRC's land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

The BCRC is an industrial type, as defined in Section 20.15.10. It is a recycling center. A recycling center is not currently mentioned in the Community Service (CS) Zone Section, but it is conditionally approved for Industrial Land Use. The OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business which is not accurate.

I urge your department to consider the impact that an industrial use business is currently having on the Community Service Zone and the Residential Zones immediately adjacent to it. Industrial traffic, increased auto traffic, increased pedestrian traffic, noise (both BCRC industrial noise, i.e. conveyors belts, compactors, bottles rolling down the hill, bottles being loaded in carts to be taken inside and patron's conversations/arguments/offensive language) and offensive odors, i.e. alcohol and smoke are all factors that we are currently experiencing. These factors cannot be managed in the Community Service Zone and are more suited to an Industrial Land Use property.

As long-time residents (of 17 years) and parents of 2 young children, the impact this is having on our lives and personal safety is concerning. We have contacted the police department numerous occasions for public urination, littering, vulgar language, patron arguments, loitering and people peering over our fence line. We live next door and witness daily events. We are concerned about our livability and long-term property values. Prior to the BCRC, Pier One Imports was located in the property and we had no issues. They were excellent neighbors. We have many businesses that are located near us but have never experienced any problems or concerns like we are currently experiencing with the BCRC.

I appreciate your time in reviewing this information. If you have any questions, please feel free to contact us.

Sincerely,



Brandon and Holli Bridgens
brbridgens@icloud.com
hsbridgens@hotmail.com



Brandon: 503-349-4138
Holli: 503-348-0238
Home: 503-297-4791

January 28, 2018

D12017-0003

OR Beverage Recycling Corp OBRC
BCRC

Exhibit 3.18

Anna Stalinsky
Planning Division Manager
City of Beaverton
Community Development Department
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

RECEIVED
CITY OF BEAVERTON

JAN 31 2018

COMMUNITY DEVELOPMENT

Dear "Director"

I live within the "Subject Site Buffer" (see (X) on enclosed map). I have been aware of the OBRC/BCRC "Bottle Drop" since it was first announced. I have paid close attention and have noticed NO adverse effects from it. We sleep with our windows open, facing Highway 10, and while there has always been a lot of noise disturbance, in the 5 years we have lived here, there has been NO increase in noise levels.

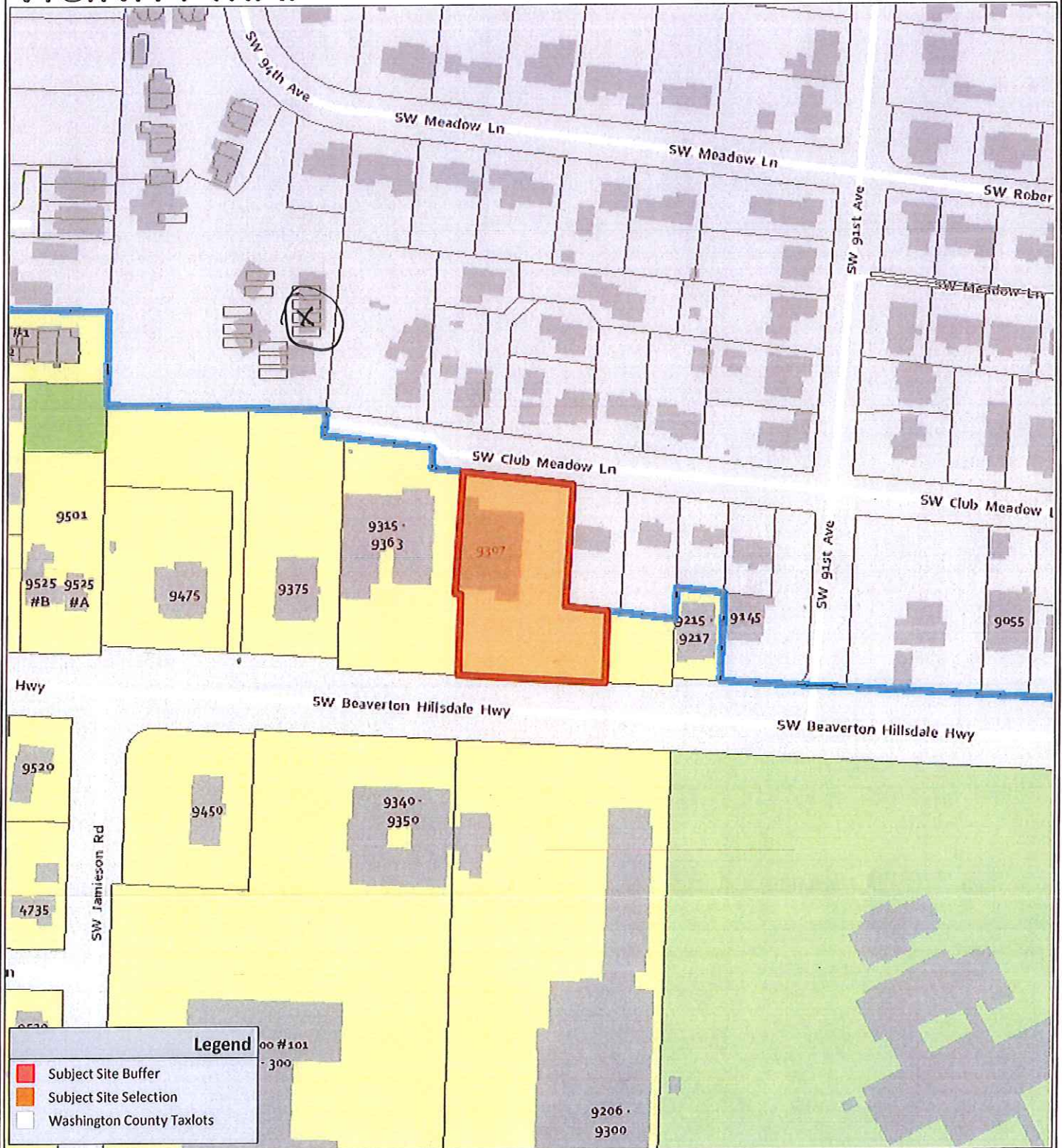
As a life-long Oregonian, I strongly support all recycling programs, and I find the "Bottle Drop" program to be a significant improvement over the former stations at each grocery outlet. Centralized, staffed, indoor & clean makes sense, and will make the whole process, for homeowner and community volunteer recyclers, much more dignified and accessible.

Thank you, Sue Staehli

P.S. I speak for the 2 other adults in our household, as well.

Sue Staehli
4477 SW 94th Ave.
Portland, OR 97225

VICINITY MAP



OREGON BEVERAGE RECYCLING COOPERATIVE (OBRC) BEVERAGE
CONTAINER REDEMPTION CENTER (BCRC) DIRECTOR'S
INTERPRETATION D12017-0003

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

The information supplied in
this application represents
the best data available at
the time of publication.
City of Beaverton GIS
makes no claims,
representations, or
warranties as to its
accuracy or completeness.

01/09/2018

Taxlot No:
1S114A804100



Application #
See Notice



The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.

01/09/2018

Taxlot No:
1S114AB04100

Application #
See Notice

January 24, 2017

Anna Slatinsky
Planning Division Manager
12725 SW Millikan Way
Beaverton, Oregon 97076

RECEIVED
CITY OF BEAVERTON

JAN 29 2018

COMMUNITY DEVELOPMENT

Project Name: Oregon Beverage Recycling Cooperative
Case File No: D12017-0003

Greetings Anna,

I am writing today out of concern the impact the new beverage redemption center has had on our neighborhood. My first concern is the safety of our area once the center opened. We have lived in this neighborhood for 40 years and I have always felt safe to walk our streets and go out at night, now I don't! We live one block behind the center. Since it has opened we have had a meth lab try to establish its self at the top of our street, luckily the person trying to sell the house happened to pull up to check on the house and a 15+ police chase ensued. Thank heavens, our wonderful police force was able to apprehend both parties involved after 6 hours of intense searching. This is a first for our neighborhood. To name a few more incidents of late: a homeless person tried to set up camp in our neighborhood, car break ins, lots of shopping carts left laying around, people on bikes pulling shopping carts full of bottles, drug selling at our local 7-eleven, hypodermic needles found in our local parks, local business robberies have drastically increased and the most alarming, a big spike in home invasions (day and night). We can no longer walk down by Western and 5th avenue without getting cursed at and yelled at by the people living in the RV's parked there. Very rare that any of these incidents happened before the center was established.

Are there any rules on notifications that should go to the residence that live so close to the facility? I would have liked to have voiced my opinion of this center going in so close to a school and residential neighborhood. If so we never received anything that the Redemption Center was going in our area.

I know our police force resources are spread thin, but I feel this center has increased the crime in our area and thus caused our officers to lose even more, with the spike in crime in our area.

BOTTOM LINE: I no longer feel safe!! I would like to see the center move to an industrial area where schools and residential neighborhoods are not impacted.

Thank you for your time,

Lynne Cartmill

Anna Slatinsky

From: Mailbox CDD Planning
Sent: Monday, January 29, 2018 8:36 AM
To: Anna Slatinsky
Subject: FW: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

From: Nupur pande [mailto:nupeyji@gmail.com]
Sent: Saturday, January 27, 2018 3:10 PM
To: Mailbox CDD Planning <MailboxCEDDPlanning@beavertonoregon.gov>
Subject: RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Attention: Ms. Anna Slatinsky.

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to my attention that the BCRC land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not of a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

Rather, the BCRC is an industrial type operation, as defined in Section 20.15.10. Specifically, it is a recycling center. A recycling center is not currently mentioned in the CS Zone Section, but it is conditionally approved for Industrial Land Use.

The OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business. Herein lies the problem: Collecting beverage containers, packaging, and transporting these containers, is still subject to the same considerations as a recycling center. This includes processing, fabrication, and storage, including outdoor storage areas, heavy equipment and other similar uses incompatible with the CS zone. These practices by the current industry are generating, potentially toxic substance(s), concerns about containment near the Hall Creek Wetlands area, increased vector control concern, and bigger traffic flow issues.

Throughout the process, OBRC repeatedly promised that the facility will be clean and staffed during the open hours of operation. We assure you that this is most often not the case, simply due to the nature of the business of recycling beverage containers. While this facility most often has one staff member on site during normal business hours, my family members have visited during normal business hours and found no attendant, broken collection machines, and dirty floors.

We, as a community petition your department to consider the impact of this industrial business on the CS Zone and the Residential Zones immediately adjacent to it. Industrial traffic, noise, pollution, and vector control are all factors

are of great concern. These cannot be reasonably managed in the CS Zone and are more suited for an Industrial Land Use property.

It makes more sense for the business to operate in the Regional Center, an area that is more equipped to handle traffic, trucks, noise, and waste. This would also be more convenient for pedestrian patrons, who must now travel several miles on foot, often pushing a shopping cart from a Regional Center business, which they abandon along Beaverton-Hillsdale Highway once their patronage is concluded.

In addition to aforementioned zoning issues, other issues impacting our lives, and our families have cropped up. People are trespassing our properties looking for recyclables, endangering their safety and ours. There is increased grime and grunge on our streets because these same scavengers think nothing of throwing things around if they deem it not useful for their purposes. Since Hall Creek meanders through our neighborhood and is an easy conduit to transporting toxic materials downstream, it endangers our environment. Increased traffic has meant, longer time getting out of side streets for vehicles. Idling vehicles spewing out greenhouse gasses certainly can not be great for environment.

The families in our neighborhood would be most grateful for your consideration of this matter.

Thanking you,

Nupur Pande,
Resident.
9265 SW Meadow Ln
Portland, OR 97225

Sent from [Mail](#) for Windows 10

Anna Slatinsky

From: Trisha McPherren <mcpherrent@gmail.com>
Sent: Friday, January 19, 2018 9:44 AM
To: Anna Slatinsky
Subject: DI2017-0003 OBRC BCRC Director's Interpretation

Dear Anna,

I am sending a formal letter by mail regarding this case, but I realized that I failed to mention in it that I commend the environmental stewardship and goals of the ORBC. They have, however, simply chosen a site that is inconvenient to their patrons, untenable for their operation, and inapplicable under the development code for the Community Service Zone.

I appreciate the time you are spending to solve this dilemma.

Thank you!

Trisha McPherren
503-442-1121

Regards, Pat Bukieda and the undersigned
503 880-5666 / odisc@comcast.net

For Buried,

Cina Clay
3M 11.1 P 14

W. M. F. Appleton

John K. Nymann
Secretary

Salvatore L. Hyman


Janet R. Schwartz

Library Zeller

See Staropoli

Wick Atappola

Deberak



→ Katherine Lee

[Handwritten signature]

Jack Kersh

Alan Rha

W. Schenck
Ann. P. 1860

Alfred North
Charles A. Burns.

App. Can Tom Tunney

Kathy Wagner



Ronald Earp, D.V.M. • Lynn Erdman, D.V.M.

February 2, 2018

City of Beaverton
Mayor Doyle
12725 SW Millikan Way
Beaverton, Oregon 97005

Dear Mayor Doyle:

Over the past year I have been in contact with my state legislators regarding the inappropriate placement of a bottle and can recycling and processing center located at 9307 SW Beaverton-Hillsdale HWY. I am a veterinarian and owner-partner of Laurelwood Animal Hospital located at 9315 SW Beaverton-Hillsdale HWY. The Oregon Veterinary Specialty Hospital shares our building, and we have a human hospital compounding pharmacy and beauty salon in the rear of the building.

The selection for the Bottle Drop recycling site was flawed from conception. This is a CS commercial zone Site, previously occupied by Pier One Imports for several years. There was no public notification that there was a "proposed" use for recycling, no traffic analysis, and it is in opposition to BDC 10.2.4. There have been media coverage locally, the latest featured on Channel 2 news. After one of the reports, it seemed that OBRC hastily arranged for a "town hall" meeting at Garden Home Recreation Center. When City Planner White was surrounded by residents and business owners, he refused to address our concerns and quickly walked away from our questions. OBRC is a big business, yet the public perceives it to be a green non-profit organization. As you are aware, it is a collective with an out-of-state hedge fund and its financial information is unattainable.

I invite you and the City Council members to visit the neighborhoods impacted by the Bottle Drop. This is a vibrant, busy area of the city. There are home owners and families that live next door and behind the recycling site. Beaverton police officers told us that they never had calls from this area until the recycling site arrived. Now the neighbors complain of thefts, garbage and human waste on property and in our parking lots. We have a private road next to our hospital used only for residents behind our building. Children could play there and ride their bikes. Not now, because cars race down this private roadway and endanger the safe of children and residents on their own street. We had a security camera cut away and stolen, it monitored the compounding pharmacy. We now have to lock our waiting room restrooms after a man who asked to use our restroom left his needles and heroin paraphernalia behind. Washington county sheriffs were here with a search dog after the beauty shop reported a theft. The owner of the shop had her cell phone located in the Bottle Drop dumpster. Watch the huge trucks pull in as this site alone services 20 major retailers. I invite you and the council members to listen to the crashing sounds of crushing cans and broken glass. Because this is a recycling center, and it belongs in an industrial zoned location, we have industrial noise, garbage, and

Phone 971.244.4230 • Fax 503.292.6808
9315 SW Beaverton-Hillsdale Hwy, Beaverton, OR 97005
www.LaurelwoodVets.com

odor. One of your representatives told us that it wasn't any different than a drop-off depository, just like a Good Will box. Are you really serious?

I invite you and the council members to visit the neighbors and the business owners in our area. Of course, we want to promote recycling waste. But it should have been located at the proper Industrial site, not in a commercial zone CS with adjacent zoned residential properties and existing residences. The City proceeded with a Type 1 Design Review that failed to allow any opportunity to comment on the application instead of a Type 2 procedure that is required by the Director's Interpretation. It was handled so clandestinely. What was so secret that the City would only allow a design review approval? How many council members have students attending Jesuit High School, and how many council members live next door or behind the recycling site? If they don't reside in this neighborhood and don't have students attending Jesuit High School, I suggest you and the council members gain a better line of communication with your constituents, including the parents and faculty of Jesuit High School.

The goals of the City Council are to assure a safe and healthy community and maintain a livable city that preserves and enhances our sense of community. It is necessary for the City Council to understand the impact on the quality of life and the safety of citizens that work and live here. The recycling center is precisely that, an industrial use processor that receives the bottles and cans of 20 large retailers in the area. Locate the bottle drop where it can be properly managed, in an accessible area that can handle the traffic of large trucks and 25 to 30 cars an hour, in a safe area away from schools and residential areas so people don't see their property be degraded and their children endangered. Require the OBRC and the City of Beaverton to cooperate with the local municipalities and meet all zoning requirements.

Thank you for this opportunity to raise your awareness and anticipate the removal and re-location of the Beaverton bottle drop facility to a proper industrial site.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn F. Erdman". The signature is fluid and cursive, with a stylized "L" and "E".

Lynn F. Erdman DVM

Cc: City of Beaverton Council

Lacey Beaty
Betty Bode
Mark Fagin
Cate Arnold
Marc San Soucie